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THE
AMERICAN REGISTER:

OR

GENERAL REPOSITORY

OF

HISTORY, POLITICS, AND SCIENCE.

PART I FOR 1808.

VOL. III.

Edited by C. B. Brown

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1808

PREFACE.

THE public are now presented with the third volume of the **AMERICAN REGISTER**. We are not without hopes that its value may be deemed superior to that of either of the preceding volumes. The public papers, both foreign and domestic; relate to the most critical and interesting transactions which have occurred for many years, and such a selection and arrangement have been made as was best calculated to display them.

When this work was undertaken, it was impossible to ascertain the quantity and proportion of the matter by which it would be supplied. Its chief use was justly considered as arising from its being a depository of state papers and of contemporary history; but it was not imagined that these would demand any large proportion of a thousand compact octavo pages annually. We have, however, since discovered that these departments alone would amply occupy the limits to which we have confined ourselves; but a regard to our original proposals compels us to adhere to our present more miscellaneous arrangement till the public shall permit us to contract it. Some trivial deviations from this plan will, however, be occasionally indispensable. This deviation may most allowably be made with regard to our literary reviews of foreign and domestic literature. Of the former, the proper materials seldom come to hand with punctuality; nor is it possible to form even a correct catalogue of British publications for any period, till half a year or a year has previously elapsed. The present state of national intercourse increases this difficulty.

With regard to domestic literature, the number of original publications is so scanty, and intelligence concerning them to be collected from so extensive a field, that a tolerably correct or comprehensive view cannot be obtained or afforded for a less period than a year. We have, therefore, deferred this review to our next volume on this account, and because of the unusual abundance of political matter.

The public papers laid before congress during their last session have been lately published in *six octavo volumes*. This fact will show the voluminous extent to which this department of useful literature is liable occasionally to

extend. All the matters of these volumes are, of course, not equally important, and we have therefore selected those which are entitled to our principal attention. The selection, however, is sparing, notwithstanding the extent to which it has carried us; and it is our purpose to collect, from the public documents, for the period during which the Register has subsisted, the materials of an entire extra or separate volume, which our subscribers are, of course, at liberty to purchase or not. In this period, many curious details have been communicated by the president to congress, respecting the situation of the interior of the United States, abstracted from the journals of Messrs. Dunbar, Hunter, Sibley, Pike, Lewis, and Clarke. These form a body of what may be called American travels, and are highly curious and important. Some of these are preparing for publication on a large scale; but some of them can scarcely be said to be extant to any useful purpose, mixed up, as they are, in the journals of congress, with so much bulky, expensive, and uninteresting matter. It is presumed that a separate and entire collection of these will be highly acceptable to persons inquisitive into the state of their native country.

We have been favoured by Mr. Shaler, of New York, with a valuable manuscript journal of a voyage to the western coast of North America and the South Sea islands. The importance of this work seemed to us to merit an early publication.

The editor deems it proper to publish the following letter, received by him too late for notice in his last volume.

Philadelphia, May 17, 1808.

SIR,

It was not until lately that I had the pleasure of perusing the first volume of "The American Register, for 1806-7," published by you in this city, wherein you republish a paper headed "Account of the Massacre in St. Domingo, in May, 1806," with the following editorial annotation:

"The above narrative is an anonymous performance, originally published in the American newspapers. Its only claim to credit must arise from the probable nature of the incidents contained in it. Imperfect as this kind of testimony is, it is, in general, the only kind accessible to a minute historian of contemporary events, where official intelligence is wanting."

The compliment paid to the writer of that piece, by a republication in your respectable miscellany, appears to be nearly done away by that part of your note, in which you place the credibility of it, because it did not appear in an official form, upon a very unsure and slender ground. As this piece may be read with some interest at a distant period of time, and as it is a very great matter of doubt with me, whether any other gentleman who was present at the time of that distressing event will ever take the pains to commit it to print, I have thought proper, in order that its future existence, as a relation of a historical fact, may be placed upon as firm a basis as my veracity will allow, to acknowledge that I was the author of the publication in question.

My presence in Cape François at the time, enabled me to inform myself fully of every particular that I have stated, and I pledge myself on its correctness, as to date, particularity, and truth, as far as human investigation can extend.

Yours, &c.

CONDY RAGUET.

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ANNALS
OF
EUROPE AND AMERICA,
FOR 1808.

VOL. III.

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ANNALS

OF

EUROPE AND AMERICA.

CHAPTER I.

IN our first volume, we have given a succinct account of the circumstances which tended to excite jealousy and animosity between America and the maritime nations of Europe. We have dwelt upon the various points of controversy necessarily arising between neutral nations and nations at war with each other. We have traced the manner in which the extent of the American trade, and the total want of a navy to protect it, on the one hand, and the commercial spirit, together with the formidable naval power of Great Britain, on the other, tended to sow distrust and dissention between them. The dissensions originating in the sameness of their language, manners, and origin, and the spirit of the British laws, respecting the right of a native of the British islands to transfer his allegiance to a foreign state, have been fully explained. We likewise expressed our expectations that another year would bring to a close, either warlike or pacific, the intricate negotiations to which these differences had given rise. More than a year, however, has since elapsed, but, though the controversy has been embittered by new and unthought-of injuries since that period, the two nations are still in an ambiguous state. They are not at open war, but their mutual resentment has been raised to a high pitch, by offences on one side and precautions on the other. The animosity of parties, both in Britain and America, has been greatly inflamed by the conse-

quences of these measures, and the feelings and opinions of the public have, in an extraordinary degree, been affected by them.

The irresistible power of Britain at sea has given birth to a peculiar and glaring kind of vexation with regard to America. In order to obstruct the commerce of the United States with France, she finds it easy to place squadrons, or even single frigates, along our coasts, and at the mouths of our harbours, where they remain perfectly secure from all hostile molestation, and may stop and examine all ships, as they pass in or out, at their leisure. The jurisdiction of a state is supposed to extend to a certain distance beyond its coast; but this limit cannot be defined and fixed by walls or mounds, and the foreign ship will naturally chuse the safest station. Hence will unavoidably arise constant provocations to resentment and occasions of complaint. A nation at war cannot exercise the least of those rights which custom has given them over the trade of a neutral state, without great loss and vexation to the neutral: a loss that cannot be adequately reimbursed, and vexations that cannot be atoned for by the concessions of reluctant ministers, and the decrees of dilatory judges. The exercise of these rights being intrusted to commanders of ships, whom habit has rendered arbitrary, whom distance from controul has rendered insolent, and whose interest incites them to abuse their power, and who, in the present case, have no opposition to dread from either the neutral or the enemy, it is impossible that great injustice and oppression should not be incessantly perpetrated. One of these rights is that of taking seamen from vessels at sea, when their place cannot be supplied, when the whole number is barely sufficient for the voyage, and when the right itself is denied by the neutral state, and continually, in practice, stretched beyond the bounds by which the warring nation itself confesses that it ought to be circumscribed; and when we consider that these rights have been exerted by ships placed at the mouths of our harbours, within the bounds of our own territory, within sight of the inhabitants, we shall not be surprised at the indignation and resentment which the American nation has felt towards Great Britain. An impartial observer would, indeed, be astonished to find that these insults and injuries were borne for so many years, without any hostile effort to resist or prevent them. If mankind were governed by a due regard to consequences; if a state forbore to go to war with its neighbours, whenever its real and solid interests would be more impaired by war than by peace, the forbearance of America towards Great Britain

and France, under so many provocations, would not be wonderful, since war with either of these powers would be infinitely more pernicious than the repetition of any injury hitherto inflicted by them ; but as men, collectively, are even more under the influence of their passions than individuals, it is truly wonderful that hostilities had not long ago commenced.

That the American coast should be almost perpetually beset by armed ships of Great Britain, arises not only from the desire of restraining the commerce with France, but from the supply of provisions of which these ships, in their cruises, continually stand in need, and especially from the circumstance of French ships occasionally taking refuge in the American harbours. A few frigates and squadrons occasionally make their escape from the ports of France, and, after accomplishing their purpose in the West Indian seas, seek repairs, or provisions, or safety from indefatigable pursuers in some port of the United States. While they lie within these ports, they are sufficiently protected by the neutrality of the states, but they are carefully watched by their enemies stationed near at hand ; and these being enabled to keep their prey in view, and, by the same means, to recruit their store of provisions, to intercept the commerce with France, and augment their crews by impressments from vessels as they pass to and fro, it is no wonder that British ships almost continually hover near the mouths of our bays and harbours. The rights of a warring nation over neutrals, all of them unjust in themselves, and founded solely on superior power, and some of them disputed, are thus exerted in a manner in the highest degree provoking and humiliating. The neutral is thus continually reminded that he is helpless and powerless, and has no remedy against indignity and injury but patience.

The reasons why the United States are more annoyed on the verge of their own territory by British than by French ships, are sufficiently obvious. That the latter are naturally disposed to exercise power with more equity and moderation than the former, cannot be believed ; but, in the present war, they have visited us almost wholly for the sake of protection. The arrogance natural to men with arms in their hands is repressed by their dread of their powerful enemy, and they endeavour to secure a welcome, so necessary to their safety, by greater caution and forbearance. It is not to be imagined, however, that America has not similar motives of complaint against the French ; but the injuries committed by the British as much exceed those with which the French are chargeable, as the naval power of the former exceeds that of the latter, and

this difference in their power is not only the *measure*, but the *cause* of the difference in their behaviour.

The port of New York, in consequence of the greatness of its commerce, and its defenceless condition, together with its vicinity to Halifax, the chief naval station of the British in North America, has been more exposed than any other American harbour to vexations of this kind. Ships of war have generally hovered at its mouth, and anchored within the strict territorial limits. Here they have boarded, detained, and captured vessels, or deprived them of their mariners, at their pleasure, and in doing this have necessarily overstepped those bounds, ambiguous and fluctuating as they are, by which belligerent rights are circumscribed. In one case, however, military violence was carried to such a pitch, and, in another, was attended with such fatal consequences, as to excite extraordinary indignation.

In the year 1804, several British frigates entered the harbour of New York. A merchant vessel arriving at the same time, the commander of the *Cambrian*, one of these frigates, thought proper to enter her, to take out several of the crew and passengers, and compel them to perform service on board the British ships. In impressing the men, he exercised a right openly claimed by the British government, though openly denied by America. In the wrong itself, therefore, there was nothing peculiarly outrageous or enormous; but being committed within the harbour, and consequently within the known limits of the American territory, it was altogether lawless and hostile.

This conduct being considered as an offence against the laws, and the perpetrators within their proper jurisdiction, legal process was issued, and attempted to be executed on those who committed it. That the process should be resisted was matter of course. It cannot be believed that any hope of its being submitted to was entertained by those who appealed to it. The first violent step would necessarily be maintained and vindicated at all hazards, and therefore the true offence lay in the first step; yet the subsequent conduct of the officers, in resisting the agents of the law, tended to exasperate the minds of the people, and evince more strongly the presumption of their guests and their own impotence.

Due complaints were made to the British government of this outrage; but the offender, so far from being punished, or even subjected to a trial, found his conduct on this occasion no obstacle in the way of his promotion. He was advanced to the command of a ship of the line. The American government

thought proper to submit patiently to this injury, in the hope of finally extorting from Great Britain the renunciation of the privilege of impressing men from neutral vessels. This claim being abolished, most of the wrongs complained of would be effectually prevented. But though this claim continued to be the topic of hopeless controversy between the two states, the public indignation, excited by the conduct of the British commander, had probably some tendency to prevent a repetition of the same offence. These hostile rights were no longer exercised within the harbour of New York, but they continued to be exercised as formerly at the mouth of the harbour. The *Leander*, a ship of war, occupying this station, attempted, some time after, to arrest a passing vessel. The first signal being slighted or unnoticed, a shot was fired, which killed one man. The vessel was suffered to pass, and proved to be a coaster. The ball entered the vessel when within half a mile of the shore.

In this case every circumstance tended to exasperate the injury. The vessel being, in reality as well in appearance, a coasting vessel, and therefore affording no pretext for interruption or suspicion; her being unquestionably within those limits to which the jurisdiction of a maritime state extends; and a citizen being killed by this lawless exertion of foreign power, in the pursuit of his proper business, could not fail to awaken the deepest indignation. The mangled and lifeless body was carried to New York, and exposed to the view of the people. The popular rage threatened to break out into dangerous excesses; and though the factions within the city, just then contending at an election, endeavoured to outvie each other in zeal and clamour, with a view each to its own advantage, yet this high provocation was productive of less violent effects than were to be expected. The British ships were prevented, for a time, from obtaining the usual supplies from the shore, but the popular rage was restrained from any further exertions by the prospect of redress in a legal manner. The government readily promised to lay the matter before the British court, and demand the trial of the British commander. The demand was readily complied with, and witnesses were sent to Great Britain, at the public expence, to support the charge.

The conduct of an officer, in the army or navy of Great Britain, can in general only be arraigned before judges selected from the body to which he belongs. This tribunal is eminently favourable to justice, in all cases where both parties are officers, or where one party is the government charging an officer with breach of discipline. In this new and unexampled case, how-

ever, where a foreign state charges a naval officer with overstepping the due bounds of his authority, the cause of the culprit becomes that of the whole class to which he belongs. The offender is accused, not of pusillanimously remitting or foregoing any national claim, but of boldly stretching it beyond the due bounds. The pride, therefore, of the government is concerned rather in acquitting than in punishing, and the passions of his judges, who feel that their conduct would resemble his in the same situation, assure him of impunity. In the present case, likewise, where the culprit is charged with murder, and can only be legally convicted by being proved to have directly ordered, or knowingly concurred in the deed, the facility of his escape is obvious, since the witnesses could prove nothing but that the gun which did the mischief was fired from his ship: an event which might have taken place, with equal certainty, had the captain been absent or asleep. That the captain was answerable for all the consequences of an action, unauthorized in itself, was an unavailing plea, since the guilt, in this case, if admitted, must be transferred to the admiral by whose orders he acted, and especially since this tribunal were not authorized to decide whether the territorial jurisdiction of the United States were violated or respected. It is hardly necessary to add that captain Whitby was acquitted; nor is it easy to conceive that this particular charge could meet with any other fate, either from the passions or the justice of the court before which he was brought. That an American citizen was killed by a shot fired from a British frigate within the American territory, was certain. This was a gross outrage; but the injured party was a foreign state in relation to Great Britain. Its wrongs, therefore, could awaken no sympathy, nor could an inclination to repair these wrongs be excited by any thing but a terror of vengeance or reprisal. The vain offer of a trial, on a charge which could not be technically proved, and before a tribunal whose authority extended not to the true point in controversy, it was safe and easy to make. The popular resentment was suspended by the offer, and the final acquittal of Whitby took place after an interval sufficient to efface the first impression, and divert the public attention to new objects.

Another case occurred, in September, 1806, in which there was little to excite the popular indignation, but which afforded adequate ground for complaint. A French ship of war, while aground on the coast of North Carolina, and within a few hundred yards of the shore, was attacked by a British squadron and destroyed. If the jurisdiction of any state ex-

tend beyond its own shores into the open sea, the narrowest limits which can be assigned to it would have been sufficient for the protection of this vessel. It is not possible that any limits purely maritime would have been regarded by an assailant in these circumstances; and though France has more reason to complain of this infraction of neutral territory, than of any other that has recently occurred, it is evident that, to America, it is one of the slightest provocations. Though a reasonable topic of complaint, through a diplomatic medium, the evil seemed susceptible of no precise remedy beyond a ceremonious acknowledgement of misconduct. The feelings of the nation were not sufficiently interested in this case to make this atonement indispensable, and the want of it was accordingly unheeded. Widely different, however, were the consequences of the deed we are about to relate.

ever, where a foreign state charges a naval officer with overstepping the due bounds of his authority, the cause of the culprit becomes that of the whole class to which he belongs. The offender is accused, not of pusillanimously remitting or foregoing any national claim, but of boldly stretching it beyond the due bounds. The pride, therefore, of the government is concerned rather in acquitting than in punishing, and the passions of his judges, who feel that their conduct would resemble his in the same situation, assure him of impunity. In the present case, likewise, where the culprit is charged with murder, and can only be legally convicted by being proved to have directly ordered, or knowingly concurred in the deed, the facility of his escape is obvious, since the witnesses could prove nothing but that the gun which did the mischief was fired from his ship: an event which might have taken place, with equal certainty, had the captain been absent or asleep. That the captain was answerable for all the consequences of an action, unauthorized in itself, was an unavailing plea, since the guilt, in this case, if admitted, must be transferred to the admiral by whose orders he acted, and especially since this tribunal were not authorized to decide whether the territorial jurisdiction of the United States were violated or respected. It is hardly necessary to add that captain Whitby was acquitted; nor is it easy to conceive that this particular charge could meet with any other fate, either from the passions or the justice of the court before which he was brought. That an American citizen was killed by a shot fired from a British frigate within the American territory, was certain. This was a gross outrage; but the injured party was a foreign state in relation to Great Britain. Its wrongs, therefore, could awaken no sympathy, nor could an inclination to repair these wrongs be excited by any thing but a terror of vengeance or reprisal. The vain offer of a trial, on a charge which could not be technically proved, and before a tribunal whose authority extended not to the true point in controversy, it was safe and easy to make. The popular resentment was suspended by the offer, and the final acquittal of Whitby took place after an interval sufficient to efface the first impression, and divert the public attention to new objects.

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CHAPTER II.

AS long as mankind are endowed with the same passions, there never will occur a quarrel between individuals or nations, in which either party is wholly blameless. Where their treatment of each other relates to many successive particulars, and is spread, if we may so speak, over a wide surface, the first injury, which, however, it is seldom possible to trace, is always immediately repaid, either in reproach or injury; either completely or partially. The original sufferer exerts his ingenuity in tormenting his oppressor, and to gratify his rage by petty insults or indirect retaliations. The original injurer pursues his injurious practices with animosity, awakened by these retaliations, and, in each particular instance of hostility, vengeance for an injury previously received becomes wholly, or partly, the incitement.

The British ships, on the American coast, encounter, from magistrates and private persons, every difficulty which ingenuity or resentment can devise. The least offensive part of their conduct, the capture of hostile property, excites the deepest resentment in those Americans who have an interest, as sailors or ship owners, in its safety. The means, therefore, naturally employed to elude or resist these captures are regarded by the captors as a species of hostility, which adds to their future conduct the impulse of resentment, as well as that of interest or of duty.

As the right of taking natives of Britain from American vessels at sea is not acknowledged by America, and is highly detrimental to its trade; as the taking of natives of America from its vessels is, at the same time, highly detrimental to its interests, and not maintained to be legal, even by Great Britain, the conduct of British officers, in both respects, must meet with every obstruction from American ships, that is consistent with their own safety. An evil to which they are not rightfully exposed, the American commanders will, through both interest and resentment, endeavour to elude, and make a source, to the perpetrator, of as much vexation and embarrassment as possible. This awakens resentment in the other party, and the injury is accompanied with insults or aggravations, from which, otherwise, it would have been free. The feel-

ings and habits of enemies are thus engendered in the hearts of all parties, and in no case is it possible to ascertain the exact degree of injustice or of cruelty in the injurer, or of innocence or merit in the injured.

A British ship of war is, with regard to most of its inhabitants, a prison. Whether they originally entered it by compulsion or voluntarily, they remain only by compulsion. When they approach the American shore, they view it as a paradise to people of their own class. It has to them all the charms of land, where it comes into view after a long voyage; it tenders all the blessings of liberty to those who groan under the harshest constraint; it offers all the affluence of high wages to those who may be said to toil for nothing, since their actual pay hardly defrays their meagre subsistence. In many cases, therefore, the British sailor succeeds in gaining the shore, but the moment he lands he is surrounded by friends. He is looked upon as one escaped from hateful and iniquitous bondage. It is virtue to harbour, and patriotism to protect him. If official application be made to ministers or magistrates for authority to apprehend the fugitive, it is granted with reluctance and studied delay; it is executed remissly and without zeal, and the victim easily eludes a search, in which they who make it would be sorry to meet with success. If the deserter produces legal proof that he is an American citizen, it meets with ready acquiescence, and the inclination to restore him to bondage is supplanted by rage and resentment at his ever having been reduced to that state. The British commander acknowledges no rights in one born in the British territory; and, even in a native of America, these rights he imagines to be wholly suspended by a voluntary enlistment. The limits between choice and compulsion are not easily traced, and will be enlarged or contracted, as present interest dictates. We can only be surprised, therefore, that open hostilities were not long ago produced by such plentiful and prolific seeds of dissension.

It is evident that no full assent can be given by an impartial observer to an account of any particular transaction of this nature, not accompanied with written and official proofs. The prevalence of mutual complaint sufficiently proves the existence and the nature of the evil; but to repeat anonymous tales, or record oral rumours, would be unworthy of historical veracity or dignity. Till the events which occurred in the month of June, 1807, and which outstripped the expectations of the most fearful, there was nothing eminently to endanger the

peace of the two nations, or to awaken a general sense of indignation in the minds of one of them.

The transaction which took place at that time, originated in the desertion of certain seamen from the British ship *Melampus*. In the month of February preceding, this vessel was lying in Hampton roads, a station just within the entrance of the bay of Chesapeake. The officers were engaged at an entertainment, and all the boats, except the captain's gig, were taken on board. Five persons, William Ware, Daniel Martin, John Strachan, John Little, and Ambrose Watts, seized this opportunity of escape, took possession of the gig, and rowed towards the shore. Their departure was immediately noticed, and, on refusing to return, a fire of musketry commenced from the ship. They continued, however, to ply their oars, in defiance of the balls, and speedily gained the shore. They then carefully hauled up the boat on the beach, and, leaving the boat and the oars behind them, gave three cheers, in token of their joy, and hastened away.

In this transaction there was nothing unusual; nor, had these fugitives prized, at its due value, the liberty they had earned with so much danger, would this occurrence have ever gained the public attention, or disturbed the public tranquillity. Had they withdrawn into the interior country, or, if their necessities and habits compelled them to return to a seafaring life, had they gone to some distant port, or had they even entered, any where, on board of a merchant ship, they would have either entirely escaped animadversion, or been taken anew by some British vessel, at sea, without any general complaint or disturbance. The magistrates, when their interference was required, might have restored them to their former bondage, or connived at their escape, or even openly protected them, on the score of their political rights, without hazard to the public safety: unfortunately, however, every subsequent event tended to exasperate the passions on both sides, and to make partial hostilities almost unavoidable.

About this time the American frigate *Chesapeake* was at Norfolk, a port in the vicinity of the British ship, with which the officers had constant intercourse, and where a British agent resided: a town likewise so small, that the actions of individuals are easily noticed by those whose curiosity is sharpened by either interest or duty. This vessel was preparing for sea, and men were enlisting for her service. Unfortunately, three of the deserters already mentioned, William Ware, Daniel Martin, and John Strachan, offered themselves at the rendezvous, and were admitted, in less than a month after their escape from

the *Melampus*. The British consul at Norfolk, Mr. John Hamilton, being apprized of this circumstance, wrote a letter to the American naval officer, requesting these men to be returned. This demand likewise related to two other persons, deserters from a British merchant ship, and one of whom was an apprentice to the captain. The officer refused to comply with this demand, except in relation to the apprentice, pleading that he was not justified in delivering any men who were not apprentices, and who had voluntarily entered the American service, unless claimed by the magistracy.

Much has been said with regard to the prudence of enlisting men who were previously known to have been deserters from foreign ships; but though it is much to be lamented that this was done, we must reflect that the actual consequences were impossible to be foreseen, and that the enlistment was performed by a subordinate officer, who had scarcely a right to exercise any option in such case. That they were not given up on this demand was merely an adherence to duty in that officer. The direction of his superiors was absolutely necessary, to justify the surrender of men, who professed themselves American citizens, and who would have been capitally punished by their former masters.

The British agent appears to have lost no time in endeavouring to procure an order for their surrender, from the government. In consequence of an application to the secretary of the navy, that minister, about the first of April, wrote a letter to captain Barron, the commander of the *Chesapeake*, requiring from him the necessary information with regard to the characters and claims of these men. The due examinations being made, it appeared that three of the five had actually enlisted for the *Chesapeake*. These were Ware, Martin, and Strachan: all of them were natives of America. Ware had the visage of an Indian, and Martin was a mulatto, or coloured man. Ware was born in Maryland, had been apprenticed to a miller, and was for several years a driver of a waggon between Hagerstown and Baltimore. He had afterwards served eighteen months on board the *Chesapeake*. Martin was a native of Massachusetts, had served an apprenticeship to the sea, in a New York trader. Both Ware and Martin were pressed, at the same time, from on board an American ship, in the bay of Biscay, by the *Melampus*, in which they had since compulsarily served fifteen months. They had both of them *protections*, or notarial certificates of their being American citizens. Strachan's history was by no means equally satisfactory. He was a native of Maryland, but he had voluntarily shipped on

board an English merchant vessel at Liverpool, and, on being taken from this ship, by the *Melampus*, consented to enter: he could produce no *protection*, pleading that he had lost it previous to his escape.

These particulars must have rested for their credibility, at least during this examination, entirely on the assertion of the seamen themselves. It does not appear that any measures were pursued to verify their testimony. With regard to two of them, their certificates, if genuine, were legal evidence of their political rights, but this was wanted by the third; but, as to all other particulars, except their nativity, their mere assertion was all that, in the actual circumstances, could be produced. Strachan, however, by his own confession, was taken from an English ship, in which his entry had been voluntary, and had afterwards entered on board the frigate. The government refused to surrender the men under these circumstances.

It is easy to imagine that both parties had much to say, one in favour of demand, and the other of refusal. That these men were guilty of desertion, was admitted on all sides. That deserters, when legally demanded, should be arrested and given up, was no less clear. What then hindered the government from complying with so regular a claim? The men were natives of America, and had been unlawfully detained, against their inclination and their privileges as Americans, on board of British ships. They had a right, therefore, to make their escape when they were able, and this escape, by enabling them to prove the wrong suffered, merely added a new article to that list of charges against the humanity and justice of Britain, on which the nation had so long, but so vainly, claimed redress.

The British officers, on the other hand, urged that the desertion being evident, even from the confession of the culprits, and the right to reclaim them being undeniable, to refuse them on any pretext could not be justified. But on what pretext were they refused? Merely because they averred themselves to be Americans, and to have been pressed from American vessels; as if the simple declaration of a sailor, in his own behalf, and where his interest was so nearly concerned; a sailor whose contempt even of oaths is so notorious, was equal to the strongest testimony. Two of them, indeed, produced certificates; but these certificates being always given on the oath of the parties and their friends, and being paid for, were an endless topic of complaint to some, and ridicule to others; and nothing was more notorious than the falsehood of most of them. But even these lame pretexts could only serve two out

of the three. Strachan had no protection, was, according to his own narrative, taken from a foreign ship, and been since regularly entered on board the *Melampus*. Surely it was not sufficient to justify retaining this man, to repeat after him that he had lost his certificate, and that, though indeed he consented to enter, he yet secretly determined to desert on the first opportunity. But the injustice of the conduct, if it were capable of aggravation, has been deeply aggravated by admitting them into the American service. This was adding defiance to injustice, and insult to injury, and was such an open encouragement to mutiny and desertion, that, if some effectual remedy were not immediately adopted, it would be impossible for British ships to remain with safety on the American coast.

An impartial observer cannot but perceive the weakness of the evidence given by these men of their American nativity, and of their compulsive service. Considering the motives of the parties, and the character and habits of sailors, their mere assertion, or even their mere oath, in a case like this, is as little worthy to influence our belief as their total silence*. Retaining them on board the *Chesapeake* in spite of charges of mutiny, not regularly disproved, had certainly an aspect of defiance and contempt for the claimants, which had no tendency to heal the differences which had already taken place. That the government had no inclination to deliver these men, whatever were their offence; that it greedily employed every pretext to retain them, cannot be doubted: but this reluctance can be a subject neither of surprise nor of censure. When we consider that the grossest outrages had been committed, for years, by British ships of war, on the privileges and the territory of the American states; that all complaints and remonstrances had hitherto been unavailing, and now that a claim was made of two or three wretched fugitives from the hardships of British discipline; fugitives who pleaded that they were natives of the country, and, if their plea were just, were entitled to protection; to have restored them, even if rigidly just, would have argued a dispassionate indifference of temper, neither to be expected from human beings,

* The truth of their assertions as to their birth place, might have been ascertained in time, by making due inquiries at the places mentioned, and of the persons referred to by them. Whether this was done, or not, we are not officially or publicly informed, unless such further inquiries may be inferred from that passage in a subsequent address of the president to congress, in which he says, that "the seamen taken from the *Chesapeake* had been ascertained to be native citizens of the United States."

nor to be applauded when it is found. The consequences that followed this event may make us deeply regret the retaining of these men on board the Chesapeake; but these consequences cannot throw discredit on the wisdom or prudence of retaining them, since they could not have been suspected or foreseen*.

It is not easy to account for the conduct pursued on this occasion by the British admiral Berkley, at Halifax. To resolve it into the blind impetuosity engendered by military habits, seems scarcely allowable. Revenge, which, in every pacific code, is a crime, becomes a duty with soldiers, and to entrust their vindication to any other tribunal than pride, or any other agency than that of their own right arm, is disgraceful to men with arms in their hands: but though a conduct suitable to these notions may always be expected in ordinary cases, and from common soldiers, some degree of self-control and a little discreet forbearance may, with some reason, be expected from commanders. Berkley may possibly have interpreted his general orders, with regard to mutineers, into a justification of the mode he meant to adopt. To have sought redress through the medium of the ambassador, was thought perhaps to be all that the occasion required. This redress being refused, and the interests of the service being so much concerned in this case, even violence might appear just, since it was evidently necessary. To the importance of these interests, he probably trusted for his acquittal to the government, and on the sympathy of his fellow-officers he might confidently rely for a favourable verdict in that trial, which was the worst consequence to be dreaded. There is likewise reason to believe that he took care to procure the hearty sanction of the officers under his command.

Be that as it may, admiral Berkley transmitted to his captains an order that the vessels of his squadron should take, by force, if they could not be obtained by other means, any British deserters found on board the Chesapeake. To qualify the boldness of this command, he added that his own ships should submit to a search for American deserters, whenever it was thought proper to make one. As the Chesapeake was expected soon to sail, the squadron waited patiently for an opportunity

* We have no satisfactory information how far the government were apprized of the hostile intentions of the British admiral before the sailing of the Chesapeake; or, if they were apprized on whom the imprudence of keeping the men is chargeable. The rumours current at the time are not worthy of a place here, as they necessarily take their shape and colour from the party of him who circulates them.

to execute this order. On the 22d of June, she weighed anchor and proceeded to sea. She passed the British ships *Belona* and *Melampus*, lying in Lynhaven bay, whose appearance was friendly. There were two other ships that lay off Cape Henry, one of which, the *Leopard* of fifty guns, captain Humphreys, weighed anchor, and came in a few hours along side the *Chesapeake*. A British officer immediately came on board, and presented the commander, captain Barron, with a copy of the order just mentioned, in a letter from captain Humphreys. Barron immediately wrote in answer, that the officers recruiting for his ship were particularly instructed by the government, through him, not to enter any deserters from British ships, nor did he know of any being there. As Barron could not be unapprized of the enlistment of the men named in Humphreys's letter, he must have justified this denial by the disputed meaning of the word deserter. He added that his duty forbade him to allow of any muster of his crew, except by their own officers. During this intercourse, Barron noticed some proceedings of a hostile nature on board the adverse ship, but he could not be persuaded that any thing but menace was intended by them. After the messenger departed with his reply, he gave orders to clear his gun deck, and, after some time, he directed his men to their quarters, secretly, and without beat of drum, still, however, without any serious apprehension of an attack. Before these orders could be executed, the *Leopard* commenced a heavy fire. This fire unfortunately was very destructive. In about thirty minutes, the hull, rigging, and spars were greatly damaged; three men were killed, and sixteen wounded: among the latter was the captain himself. Such was the previous disorder, that, during this time, the utmost exertions were insufficient to prepare the ship for action, and the captain thought proper to strike his colours.

The British captain refused to accept the surrender of the *Chesapeake*, but, sending an officer to muster the crew, four men were taken out. Three of them, Strachan, Martin, and Ware, were the men formerly demanded as deserters from the *Melampus*, and the fourth, John Wilson, had been claimed as a runaway from a merchant ship. He then returned quietly to his former station, while the *Chesapeake* proving to be unfit, in consequence of the damage received, for her intended voyage, returned to Hampton roads.

The circumstances of this contest were extremely humiliating to America. That, in this first fray, a frigate should surrender without firing a gun, and consequently without the

smallest expence, except that of ammunition, to an assailant of equal or of little more than equal force, was much to be regretted. A successful resistance was indeed hopeless, as the whole British squadron was at hand, and ready to come to the aid of their companion: but, had this assistance been rendered necessary, we should have had an early and welcome proof that there was one nation to whom Britain was not superior, except in brute force, at sea. The event, though reflecting no disgrace on the courage, was highly discreditable to the discipline of our navy. A ship of war is required, by the rules of this discipline, to be, when at sea, in constant readiness for action; but, on this occasion, a ship laden with merchandize, and without arms of any kind, was not less qualified for defence than the frigate Chesapeake, during half an hour after she was actually attacked.

CHAPTER III.

THE influence of this occurrence on the popular feelings in America, may be readily imagined. An act of greater violence, mixed with greater contempt and insult, could scarcely be committed by an open enemy. The Leopard, immediately after, joined the rest of the squadron, who lay within the waters of the United States, and arrested every vessel passing in or out, though none were detained longer than was necessary to the examination of their papers. This act was the consummation of that series of injuries of which the nation had so long and so bitterly complained. The honour of the nation, the guardianship of which is entrusted to its ships of war and its soldiers, had suffered the deepest wound of which it was capable. On this occasion, there appeared to be no room for the operation of those passions which had hitherto severed the people into parties, and led each party to view the conduct of foreign nations through an enlarging or diminishing medium, according to the dictates of its peculiar interest. Neither was there room for those doubts and inquiries which had hitherto distracted the faith or checked the proceedings of the nation, with regard to the privileges claimed by Great Britain; for, though it were possible to hesitate on the propriety or prudence of retaining these men, when peaceably demanded, the violence committed on the Chesapeake could be justified, or even excused, by no pretext whatever.

Intelligence of this event flew, with wonderful rapidity, from one end of the United States to the other. It every where produced a loud and unanimous burst of indignation. Those who were actuated by a bias unfavourable to Great Britain, derived either from prejudice or reason, had hitherto been compelled, by the ambiguous nature of the topics in controversy, to resort either to argument or railing, in order to confirm adherents or gain converts. On this occasion, however, the violence committed could be justified on no pretext, and all reasoning on the subject was precluded, since no one pretended to excuse it. Those whose reason or prejudices had hitherto induced them to defend the claims of Britain, and to palliate the abuses which accompanied the exertion of these claims, either partook of the general indignation, or went, in prudent silence, with the crowd. Both parties were loud and

vehement, but that which had been charged, by its enemies, with undue partialities to Britain, was loudest and most vehement, because, on so critical an occasion, to be lukewarm or indifferent would have strengthened these suspicions. As soon as the news arrived, the people every where, without distinction of party or profession, hastily assembled in popular meetings. In their resolutions, they exhausted all the powers of language in declaring their rage at this indignity, and their zeal to avenge it. The attack upon the Chesapeake was stigmatized with the harshest epithets which ingenuity could furnish. It was styled unprovoked, piratical, assassin-like, murderous, cowardly, inhuman, savage; a breach of the faith of nations and the laws of war; a fit object for the highest detestation and horror; an occasion indispensable for the last extremes of anger and vengeance. This was the language of every meeting; nor was there any dissenting voice among their members. No one was heard to palliate, to suggest doubts, to recommend inquiry, or encourage delay. A more entire unanimity, and absolute extinction, or, at least, suspension of feuds and faction, was probably never witnessed. The flame of this zeal burnt as vehemently in the remote, rural, and inland districts, on the shores of the Alleghany and Ohio, as in the maritime stations, the great cities, and even the towns upon the Chesapeake, the immediate scene of this transaction. With regard to the means and measure of reparation, they resigned themselves implicitly to the wisdom and patriotism of the government, avowing their concurrence with the most violent and precipitate of these measures. A war with Great Britain, with all its ruinous effects, rendered doubly ruinous by being entered into without delay, and without the smallest preparation, appeared to be no more formidable, or at least an evil to be cheerfully encountered, preferably to submission to the present insult. The enormous losses of property hitherto incurred awakened no indignation like the present attack on the national dignity. Former injuries could be argued about, and submission, if the alternative were unavoidable, was better than war; but this injury admitted of no dispute or palliation, nor any consequence but ample and immediate reparation on the one hand, or open war on the other.

Those who deliberately reflected on the probable consequences of this event, were struck with the deepest consternation. That a British admiral should perpetrate a violence like this, without secret orders from his government, was hardly credible; but these orders argued a hostile disposition which would be sure to be seconded by a sudden blow, directed

against the American shipping and trade in all parts of the world. But even this was not the utmost or severest evil. Several of our richest sea ports were entirely unfortified. The hostile squadrons were already at hand, and could enter and destroy them, without the possibility of any effectual resistance.

If the admiral acted without instructions from his superiors, the case was no wise mended, since the pride of the British government would never permit them to make such atonement as the pride of ours would demand. A war would ensue, but with a new and deplorable inconvenience. The unanimity which wanton and undisguised hostility produces would be destroyed. Ancient divisions would have a breathing-time, and revive afresh. A numerous party would urge the acceptance of any terms of reconciliation, and misery would fall upon the people with double and intolerable weight, because one party would think it wantonly incurred by the warlike, and the other perfidiously aggravated by the peaceable doctrines of its adversary.

Those who regarded the scene with a larger view; who reflected on that security which we, as a weak nation, derive from the jealousy and contentions of our powerful neighbours among themselves; who regarded the final ascendancy of one of them as more probable now than at any former period; who thought that Great Britain stood in need of all possible expedients and resources to enable her to make head against the French, and that, by disgusting her only remaining friend, she promoted her own destruction directly, and indirectly the ruin of America, by exposing us to the whole power and ambition of France, found a source of the deepest dismay in the present political prospects.

The wiser part of the people found considerable difficulty in restraining the fury of the populace. This class, who are always prone to take vengeance into their own hands, were everywhere eager to fall upon property and persons that were known to be English. The public agents of that nation were for some time in great danger, but the efforts of the more discreet were successful in maintaining order. The most earnest remonstrances on this head were diligently dispersed among the turbulent spirits. They were tranquillized by exhortations to rely upon the vigour and patriotism of their government, and they were gratified by concurrence with some measures not strictly orderly or legal. The principal incident of this nature which occurred was the destruction of 200 casks of water, by the people of Hampton, on board a schooner ready to sail for the

British ships of war, as soon as the conduct of the *Leopard* was known at that place.

Immediately on the return of the shattered frigate into port, the citizens of Norfolk and Portsmouth assembled. They framed and published resolutions, without delay, expressive of their horror and indignation at what had happened; they resolved to discontinue all communication with the ships of war, and declared infamous all persons who should persist in this intercourse. Those who supply these ships with provisions or necessaries, after this interdict, are pronounced enemies of their country. The pilots are enjoined to refuse their services to all British ships of war. The officers of the militia are required to hold their troops in readiness to defend the coast, and the commander of the fort is requested to contribute all in his power to the enforcement of this interdict. The conduct of the people of Hampton is warmly applauded, and an imitation of their conduct is recommended to the inhabitants of all the other American ports. Resolutions similar to these were adopted throughout all the maritime districts of the United States, and there is reason to believe that they were punctually executed by the zeal of the people.

The presence of the British ships, and the uncertainty of their future conduct, led the people of Norfolk, Portsmouth, and Hampton to make preparations, as if hostilities had actually taken place. Most of the inhabitants enrolled themselves as volunteers, and marched to those places which were most liable to molestation. Rumours of threats from the British commanders flew through the country, and strengthened the general persuasion that the attack on the Chesapeake was the commencement of concerted war. These rumours were confirmed by a letter from commodore Douglass to the mayor of Norfolk, in which he dwells on the inconveniences arising from the late resolutions, especially as affecting the communication between the squadron and the British agents on shore, and declares, that if this interdict be not immediately removed, he will prohibit the passage of any vessel belonging to that town. It is probable that a seasonable caution from the British minister deterred this commander from prosecuting his first design, as all vengeful intentions were disavowed, and his letter was attempted to be amicably explained to the bearer of an answer to it. Assurances were then given that no hostilities of any kind should be committed, that no communication with the shore should be maintained, except with the British agents, and no supplies required.

As soon as the Chesapeake returned to Hampton roads, all the principal officers, except the captain, joined in a petition to the secretary of the navy, that their conduct on the late occasion might be subjected to judicial scrutiny. They complained that the ship was surrendered without their previous knowledge or consent, and with unjustifiable precipitation. They charged their commander with neglecting, on the probability of an engagement, to prepare his ship for action, and for doing less, when the engagement began, than his duty enjoined and circumstances permitted. An inquiry was immediately ordered, and meanwhile captain Barron was superseded in the command of the Chesapeake, by Stephen Decatur. The new commander received orders to repair the ship with all practicable expedition. He had scarcely taken possession when the people of Norfolk applied to him to aid them in their measures of defence against a threatened attack. There were only four gunboats in this quarter capable of being fitted up with expedition. These were soon put in a serviceable state, and manned with volunteers. Since the return of the frigate, the British ships had anchored within the capes, and brought to, by firing at, every vessel that passed. We are, however, informed, that no vessel was detained; and, in a few days, the general apprehensions were so far allayed, that the volunteers disbanded, and the gunboats were laid up again.

The officers appointed to examine the conduct of the late commander had now leisure to execute their commission. They closed their examination on the fourth day of November, and reported to the government, among other particulars, that the Chesapeake had a crew of 370 men, and was thoroughly equipped at the time of her sailing; that commodore Barron visited this ship only twice while in Hampton roads, and on neither occasion made any particular inquiry into her condition; that the guns of the ship were never exercised previous to her sailing; that her crew were quartered only a few days before, and been called to quarters only three times; that the threats of the British commanders to take their deserters by force from the Chesapeake, was generally known on board the Chesapeake; that the commander was apprized of the obnoxious seamen being on board his ship, and of their having been demanded, ineffectually, by their former masters, but there was no evidence that he was acquainted, before *he sailed*, with the threats that had been employed; that the Chesapeake, in proceeding from Hampton roads to sea, passed a squadron of ships at anchor in Lynhaven bay, which, at the time of her passing them, were making signals to each other, which was not only

reported to the commodore by one of his officers, but actually observed by himself; that the *Leopard*, one of the squadron, weighed immediately after these signals, and stood to sea; that at this time there was no vessel in sight, nor any other object to induce her to go to sea, but the *Chesapeake*; that, when the *Leopard* got under weigh, the wind was fair for her proceeding to sea, but that, instead of availing herself of this to clear the land, she hauled by the wind close round cape Henry, and stood southward under easy sail, thereby showing no intention to get off the land speedily; that after this the wind became light and baffling, and likely to shift, and come out from the eastward; that when this happened the *Leopard* shortened sail, and stood to the eastward; that after this the wind did come out from about S. S. E., and that the *Leopard* then having thus got the weather-guage, preserved it by tacking in shore when the *Chesapeake* did so in order to get off her pilot; and after the *Chesapeake* again stood off to the eastward, that the *Leopard* wore, and bore down for her; that, when the *Leopard* tacked and stood in shore, on the same tack with the *Chesapeake*, her lower deck ports were all triced up; that when the *Leopard* ran down for the *Chesapeake*, she rounded to on her starboard quarter, and to windward of her, and that at this time her tompions were out of her guns; that commodore Barron was on deck observing the *Leopard*, while these manœuvres were practising and these appearances exhibited; that these furnished sufficient warning, to a prudent officer, of the hostile designs of a ship of war, and ought to have induced commodore Barron to prepare his ship for action, especially with the information he possessed of the situation of his crew in general, of those who had been demanded by the British government particularly, and of the general state of the ship at that time; that commodore Barron nevertheless did not order his ship to be cleared for action, and that he did not call his men to quarters; that when the *Leopard* came alongside of the *Chesapeake*, an officer was sent from her, with a communication from the captain to commodore Barron, which the latter could not and did not misunderstand, but justly concluded to be a demand with which he ought not to comply, but which, if refused, would, if possible, be enforced; yet that he did not order his ship to be prepared for action, though ample time was allowed for that purpose, the British officer being detained onboard the *Chesapeake* from thirty-five to forty-five minutes; that the neglect of commodore Barron to prepare his ship for action, under such circumstances, was a direct breach of the rules of the navy of the United States; that after the British

officer left the Chesapeake, bearing a positive refusal to the demand which had been made, and after commodore Barron was himself convinced that an attack would be made, he did not take prompt, necessary, and efficient means to prepare his ship for battle; that his first order was merely to clear his gun deck, and the second, given after the lapse of some time, was to get his men to quarters secretly, without beat of drum, though, with such a crew, and in such a situation, such orders could not be effectually accomplished*; that the conduct of the commodore during the attack manifested great indecision, and a disposition to negotiate, rather than bravely to defend his ship; that he repeatedly hailed the Leopard during her attack upon him; that he drew his men from their guns to employ them in lowering down boats, to send on board of the attacking ship; and that he ordered his first lieutenant from his quarters during the attack, to carry a message to the Leopard, while firing upon him; that during the attack he used language, in the presence of his men, calculated to dispirit them, by order-

* The commodore's own account of this unfortunate transaction is given in a letter to the government to this effect:

"At 6, P. M., June 22, we weighed from our station in Hampton roads and stood to sea. In Lynhaven bay we passed two British men of war, one of them the Bellona, the other the Melampus, their colours flying and their appearance friendly. Some time afterwards, we observed one of the two line of battle ships that lay off cape Henry get under weigh and stand to sea. At this time the wind became light, and it was not until near four in the afternoon that the ship under weigh came within hail, cape Henry then bearing north-west by west, distance three leagues. The communication, which appeared to be her commander's object for speaking the Chesapeake, he said he would send on board, on which I ordered the Chesapeake to be hove to for his convenience."

After mentioning the receipt of a letter, and his answer, he proceeds to say: "About this time I observed some appearance of a hostile nature, and said to captain Gordon that it was possible they were serious, and requested him to have his men sent to their quarters with as little noise as possible, not using those ceremonies which we should have done with an avowed enemy, as I fully supposed their arrangements were more menace than any thing serious. Captain Gordon immediately gave the orders to the officers and men to go to quarters, and have all things in readiness; but before a match could be lighted, or the quarter bill of any division examined, or the lumber on the gun deck, such as sails, cables, &c., could be cleared, the commander of the Leopard hailed. I could not hear what he said, and was talking to him, as I supposed, when she commenced a heavy fire, which did great execution. I found the advantage they had gained over our unprepared and unsuspecting state did not warrant a longer opposition, nor should I have exposed this ship and crew to so galling a fire, had it not been with a hope of getting the gun deck clear, so as to have made a more formidable defence: consequently our resistance was but feeble. In about twenty minutes after, I ordered the colours to be struck, and sent lieutenant Smith on board the Leopard to inform her commander that I considered the Chesapeake her prize."

ing them to keep down, and by averring that they would be all cut to pieces; that he ordered his colours to be struck, and that they were struck before a single gun of any kind was fired from her, and when her main deck battery would have been able to return a broadside in a very short time; that the Chesapeake was surrendered at a time when she was nearly prepared for battle, and when the injuries sustained, either on the ship or crew, did not make such a surrender necessary; that though the conduct of commodore Barron, before and during the attack, evinced great inattention to his duty and want of decision, yet that during that attack he exposed his person, and did not manifest, either by his orders or actions, any personal fear or want of courage; that though the Chesapeake might have been better defended than she was, yet that she was not in a situation, at the time of the attack, qualified to make effectual resistance: some of her guns were not securely fitted in their carriages; some of her sponges and wads were too large; but few of her powder horns were filled; her matches were not primed; some of her rammers were not in their proper places; her marines were neither supplied with enough of cartridges, nor were those which they had of the proper size. None of these circumstances, however, could have influenced commodore Barron in striking his colours, because they were not known to him at the time.

As this verdict of the court of inquiry laid to the charge of the commodore many breaches of the laws regulating the discipline of the navy, it was necessary to subject his conduct to a trial before a court martial. This tribunal was accordingly established at Norfolk, in the ensuing month of January, and, after sitting a little more than a month, pronounced their sentence. The charges exhibited before this court, against captain Barron, were in substance as follows:

That he performed his duty negligently, in not visiting the frigate, before she sailed, as often as was proper; and that, during his visits, he made not the suitable inquiries into her condition.

That he neglected, on the probability of an engagement, to clear his ship for action. This probability was founded on the threats of the British commanders, which were known to the American captain, and on the conduct of the Leopard, when following and approaching the Chesapeake. The conduct which sufficiently indicated hostile purposes consisted, first, in

* This court was composed of captains Rodgers, Bainbridge, Campbell, Decatur, and Shaw; masters Smith and Porter; lieutenants Tarbell, Jones, Laurence, and Ludlow.

her putting to sea, after certain signals, distinctly observed from the Chesapeake, when there was no other vessel in sight, or any other object to induce her to put to sea but the Chesapeake; secondly, in her ports being *triced* up, and her tompions out, a considerable time before the attack; thirdly, in her commander's message to the American captain, openly declaring, that, if certain men were not delivered to him, force would be resorted to; and, lastly, on the terms of this demand being believed, by Barron, to be such as would be strictly executed.

That he failed to encourage his officers and men to fight courageously, by not ordering his men to quarters as soon as the intentions of the British commander were reasonably to be suspected, nor even after the receipt of the message made them absolutely known to him: that this order was given in an unbecoming manner, since it required them to go to quarters secretly, and without beat of drum: that he was not at his proper station during the attack, but for a considerable time at the gangway, as if imploring the enemy's forbearance; that he drew some of his men, especially his first lieutenant, from their guns, in order to lower down boats and carry messages; and that, during the attack, he discouraged his men, by telling them to keep down, and that they would be all cut to pieces.

That he did not perform his utmost to take or destroy the Leopard, since he failed to repel her attack in a suitable manner; since he surrendered his ship before the injuries received made it necessary; since the Chesapeake's flag was struck when her guns were loaded, and her main deck battery was qualified to return a broadside in a short time; and since the flag was struck without consulting his officers, and before a gun of any kind was fired from the Chesapeake.

On these successive charges the court decided, that a commander is not regulated by law, but left at his own discretion as to the number of visits to be paid to the ships of his squadron, and that, on this occasion, Barron exercised his discretion without deserving censure; that his office being that of a commander of a squadron, and this ship being provided with a special captain, or master, it was not his duty to inquire into her condition; that there is not adequate proof that any threats were used by the British commanders, except that contained in the written message of Humphreys; that as to the signals exchanged by the British ships, the Leopard putting to sea, in obedience to these signals, and *tricing* up her ports, the captain was warranted, by the friendly relations then generally believed to subsist between the two nations, by the long previ-

ous continuance of the British squadron in the Chesapeake, and by the warm and quiet state of the weather at that time, in not putting a hostile construction on these appearances; but that the tompions of the Leopard being out clearly indicated a hostile disposition; that this appearance, however, produced a suitable effect upon the American commander, since it induced him to order his men to quarters.

That, on the receipt of a message, threatening the use of force, in case of the refusal of the persons claimed, and notwithstanding the full belief of Barron that force would be employed, he neglected to clear his ship for action, and was culpable for such neglect.

That the manner of ordering his men to quarters, though not usual, was, in the actual circumstances of the two ships, in no respect censurable, nor did it disprove a determination bravely to defend his ship.

That custom makes his upper deck the proper station of a commander during an engagement, but does not confine him to any particular spot on that deck; that the commodore remained a considerable time at the gangway, for useful and necessary purposes.

That he did not draw any of his men, and particularly the first lieutenant, from their guns, in order to lower down boats, but that some were drawn from other stations for this purpose: a proceeding, however, which merited no censure.

That the discouraging words, imputed to Barron, were not employed by him, but that what was said by him on the occasion had a different import, and were uttered at a time when no ill effect could be produced by them.

That his conduct in ordering his men, secretly and silently, to quarters, evinces coolness and deliberation; and that his exposing himself, in an open gangway, to a close and heavy fire, his remaining, though wounded, on his deck during the whole attack, and giving his orders coolly and distinctly, fully disprove the charge that he failed to encourage his men to fight courageously.

That the attack of the Leopard was not suitably repelled; that the ship was surrendered before circumstances made it necessary, when her guns were all loaded, before any of them were fired, and without the advice being required of the officers; but that the main deck battery was not qualified, at the time of the surrender, to have speedily returned a broadside.

That, notwithstanding these facts, captain Barron and his officers did all that was practicable to prepare the guns for ac-

tion ; that to repel the attack by boarding, or any otherwise than by her battery, was not expedient ; that the flag was not struck till all reasonable hope of an effectual defence was lost ; and that the advice of officers is at no time necessary, nor, in the actual situation of the Chesapeake at that time, possible to be taken.

Finally they pronounce, that, as captain Barron was guilty of the charge of neglecting, on the probability of an engagement, to clear his ship for action, and this neglect was a breach of the law for the regulation of the navy, passed in 1800, they punish him by suspending him from all command in the navy for five years, without any kind of pay or emoluments. This sentence was confirmed by the president.

We have been thus particular in detailing the charges against captain Barron, and their consequences, from the regard due to the reputation of an officer of some rank, and of the navy in general, which cannot be unaffected by the conduct of any of its members. We now see the sentence and the grounds of it. We cannot forbear to pronounce it very severe. An error of judgment is all that is proved or allowed ; but an error of such a kind, and in such circumstances, is not only the most venial in itself, but the most harmless in its consequences, that can be easily imagined. The captain, in his letter to the secretary, declares that he could not believe the adversary to be in earnest, and that more than menace was intended, till the firing actually commenced ; and that his ordering his men to quarters was a provision against consequences, not, in his opinion, probable, but barely possible. The court martial declares that evidence had been produced sufficient to prove the commander's full belief, after the receipt of the message, that hostilities were really intended, and on this fact rests wholly the guilt of the commodore. The evidence on this point not being published, we know not its due weight.

CHAPTER IV.

THE public curiosity, which had been so powerfully excited by the transactions on the coasts of the Chesapeake, was still more anxiously fixed upon the measures which would be adopted by the American government at this crisis. The grossest outrage which one nation can commit against another, had been perpetrated against the American states. To resent the injury was indispensable, provided the offending government refused to atone for and repair the wrong. The probability was very strong, that the government had directed and would sanction the conduct of the admiral; but this was not absolutely certain. To make, therefore, a direct and immediate appeal to the British government; to complain of the wrong done, and demand ample reparation, was the obvious course which the president could not fail to pursue. All parties demanded and expected this proceeding; but this was not all which this important occasion demanded.

The conduct to be pursued, on receiving the decision of the British government, must originate from the whole legislative body, and no effectual provision could be made against the inconveniences which would arise from the hostile resolutions of that government, but by the same authority. To convoke congress immediately was likewise, therefore, an obvious and necessary proceeding, and this necessity was evident to men of all political parties.

What other measures could be safely and properly adopted by the executive government, was a topic of much doubt and controversy. To remain perfectly inactive; to refrain from all projects of retaliation or revenge, appeared, in one view, to be no more than just, as long as the violence was not sanctioned by the British government, and till opportunity was offered to that government for disowning and atoning for it. And yet, in another view, a total inactivity seemed unworthy of that resentment so naturally, unavoidably, and justly felt. The people had already every where shown their resentment, by refusing all supplies to British ships of war. This conduct was unsuitable to a state of absolute peace between the two nations, and, if confined to British ships alone, was such a breach of neutrality between the two great rivals, as would amount to actual vengeance for the wrong, and would

unavoidably awaken a disposition to commit new injury, in place of repairing old ones. The logic which self-love dictates to nations, as well as individuals, would be sure to exclaim: The outrage you complain of we never directed, and would willingly have punished; but you distrusted our justice, took vengeance in some degree into your own hands, and have given us a right to complain in our turn. That every pretext would be eagerly employed, to evade the concessions demanded, was to be expected from that pride which is reluctant to accuse itself; but there were likewise peculiar difficulties in the present case.

It is but justice to the British government to allow their due weight to the real difficulties of its situation, as well as to the suggestions of its pride and arrogance. The naval officers of that nation have a strong interest in enforcing every harsh order of their government, and all their own imaginary rights, with as much rigour as can possibly be reconciled with their own safety, not only from its immediate effect upon their own interest, in completing the crews of their ships with the men whom they kidnap, and filling their purses with the produce of captures, but even in its tendency to produce war. As military men, war is their element; without which their existence is, in some sort, suspended. As authorized to plunder wherever they light upon property, and to share this plunder among themselves, war is their harvest. How rich must be that harvest, which is afforded by a commercial and unarmed nation, like America, and how eagerly must every British commander long to put his sickle into this field! With what zeal will he execute every order which tends to irritate or disgust this nation! How carefully will he avail himself of every circumstance that occurs to light up the brand of national discord! With what ingenuity will he stretch the fetters of discipline, and rush through the openings afforded him by contingent, ambiguous, or indefinite instructions! How many temptations, from the nature of the theatre of naval war, are afforded to licence and abuse, not only from the necessary latitude of official orders, but from the chances of concealment and impunity*! The government, besides the

* The British sea officers fare much better than their rivals, the French land officers. The latter are said to subsist and enrich themselves on plunder alone, plunder collected and disposed of with much difficulty and inconvenience; but the former subsist upon their pay, and grow rich by plunder, collected and disposed of with all possible advantages. By these remarks we intend no particular censure against either the British or French system. Unfortunately for the reputation of human nature, war is the parent of the same evils and depravities every where, and navies and armies are every where the same frightful and pernicious monsters.

difficulty of restraint and punishment, arising from these circumstances, together with the constitution of that court where all naval offences must be tried, are checked and awed by the importance of their navy to their national safety, and the jealous pride of its members. When we duly reflect on these circumstances, we have reason to wonder at the degree of authority which the government maintains over this unchained tyger, in its remotest excursions, and to be less surprised at the licences in which it indulges, than at those from which the salutary curb of habitual discipline restrains it.

It is obvious that a foreign nation is not bound to temper its complaints, or moderate its vengeance against an obnoxious government on this account. It is neither possible nor necessary to distinguish nicely between the guilt of the head and the members, or between the ability, as modified by domestic causes, and the inclination of a government to repair a public injury; but when our conduct has relation to the public welfare, and the gratification of a just resentment will be infinitely calamitous to the injured party himself, it is our duty to comprehend and consider the whole case, and come to our conclusion through all the avenues which absolutely lead to it.

There were other circumstances which made an amicable issue to the present quarrel, with the use of all possible caution and forbearance on the side of the injured nation, exceedingly hopeless. The violence committed on the Chesapeake was so enormous, and so glaringly unwarrantable, that the adequate atonement must be signally great. A formal or diplomatic disavowal could only be proved to be sincere by the punishment of the immediate agent of the wrong and the restitution of the prisoners; but the punishment of Berkley could only be accomplished judicially, through the medium of a court martial. Of such crimes, however, and by such a tribunal, that officer was as sure to be acquitted as Whitby was before him; and the restitution of the men taken from the Chesapeake would be such a triumph of sailors over naval discipline, that no consideration would have justified the government to its established policy in making it. To avoid, therefore, with the utmost care, every act of immediate vengeance, and thereby deprive the British government of every pretext for refusing justice, was deemed the wisest policy by those who were anxious for a pacific termination to the present scene. To effect this end, it would, however, be necessary to condemn, by a formal proclamation, all the measures hitherto taken by the people in order to debar the British ships from supplies, to prohibit such measures in future, and, perhaps,

even to make good spontaneously and forthwith the damage already suffered by these ships. The difficulties attending this conduct are evident.

The public had almost universally approved of these unfriendly interdictions. Could the government safely or prudently set itself in open opposition to the people in this particular? By what rhetoric could it possibly reconcile the harshness of such commands with the popular feelings, which seemed absolutely universal? If resentment is the natural consequence of injury, what could resentment dictate to the people or the government less than this? And less than this might indeed be laudable discretion to the hermits and philosophers of the nation, whose voice is never heard, but would be cowardice or treachery in the eyes of the bustling and active many, who, being the virtual, always pass for the real whole.

The actual expectations or wishes of observers, with regard to the conduct of the executive government, derived their colour from the party to which each one belonged. A numerous party in the nation were certainly actuated by a strong antipathy, whether well or ill-grounded we do not at present venture to say, to Great Britain. The members of the government belonged to this party. That therefore their resentment at the recent outrage should rather exceed than fall short of the occasion, and outstrip rather than shrink within the boundaries of discreet forbearance and far-looking caution, was expected by its political adversaries with terror, and by its adherents with exultation. That the government would impute hostile purposes to the British government merely from the conduct of its agents, and, leaving the task of appeasing our resentment to their voluntary efforts, should retaliate immediately as far as the constitution permitted, was wished for by many and expected by all. With these anticipations, every eye was anxiously turned towards the seat of government, and the public expression of its sentiments waited for with painful impatience. They waited not long, for, on the second day of July, less than a week after regular intelligence had been received of the conduct of the British squadron, a proclamation was issued by the president.

The president in this paper begins with insisting on the just and equitable conduct of the United States towards both the parties at war, ever since the commencement of their quarrels. Taking no part, he affirms, in the questions which animate these powers against each other, nor permitting ourselves to entertain a wish but for the restoration of general peace, we have observed with good faith the neutrality we adopted, nor can any

instance of a departure from its duties be justly imputed to us by any nation. A free use of our harbours and waters, the means of refitting and refreshment, of succour to their sick and suffering, have, at all times, and on equal principles, been extended to all, and this too amidst a constant recurrence of acts of insubordination to the laws, of violence to the persons, and of trespasses on the property of our citizens, committed by officers of one of the belligerent parties. In truth, these abuses of the laws of hospitality have, with few exceptions, become habitual to the commanders of the British armed vessels hovering on our coasts, and frequenting our harbours. They have been the subject of repeated representations to their government. Assurances have been given that proper orders should restrain them within the limit of the rights belonging, and of the respect due to a friendly nation: but these orders and assurances have been without effect; no punishment of past wrongs has taken place. At length, a deed, transcending all we have hitherto seen or suffered, brings our forbearance to a necessary pause. A frigate of the United States, trusting to a state of peace, and leaving her harbour on a distant service, has been surprised and attacked by a British vessel of superior force, one of a squadron then lying in our waters and covering the transaction, and has been disabled from service, with the loss of a number of men killed and wounded. This enormity was not only without provocation or justifiable cause, but was committed with the avowed purpose of taking by force, from a ship of war of the United States, a part of her crew; and that no circumstance might be wanting to aggravate the injury, it had been previously ascertained that the seamen demanded were native citizens of the United States. Having effected his purpose, he returned to anchor with his squadron within our jurisdiction.

After thus recounting the injury, and urging our title to better treatment, he proceeds to observe, that hospitality under such circumstances ceases to be a duty; and a continuance of it, with such violent abuses, would tend only, by multiplying injuries, to bring on a war between the two nations. This consequence is no less hostile to the interests of both nations than inconsistent with the friendly assurances of the British government, in the midst of which this outrage was committed. In this light the subject cannot but present itself to that government, and strengthen the motives to an honourable reparation of the wrong which has been done, and to that effectual controul of its naval commanders, which alone can

justify the government of the United States in the exercise of those hospitalities it is now constrained to discontinue.

He now comes to the delicate task of prescribing an immediate remedy to these evils. The conduct he prescribes he is careful to represent not as an effort of resentment for past, but merely a preventive of future injuries. In consideration, he says, of these circumstances, and of the right of every nation to regulate its own police, to provide for its peace and for the safety of its citizens, and consequently to refuse the admission of armed vessels into its harbours or waters, either in such numbers or of such kinds as are inconsistent with these, or with the maintenance of the authority of the laws, he requires all armed vessels bearing British commissions, now within the harbours or waters of the United States, to depart immediately, and interdicts the entrance of the same in future to all British armed vessels. If they shall fail to depart, or hereafter enter in defiance of this interdict, he proceeds to forbid all intercourse with them, and prohibits all supplies and aid from being furnished to them. He threatens with the legal penalties all who should afford any aid to any such vessel, either in repairing her, or in furnishing her with supplies of any kind, or in any manner whatsoever; all pilots particularly are forbidden to assist in navigating any of these armed vessels, unless for the purpose of carrying them beyond the limits of the United States, or unless it be in the case of a vessel forced by distress, or charged with public dispatches.

The proclamation concludes with making the necessary exceptions as to vessels that shall be forced into the harbours or waters of the United States by distress, by the dangers of the sea, or by the pursuit of an enemy, or shall enter them charged with dispatches or business from their government, or shall be a public packet for the conveyance of letters and dispatches. In these cases the commanding officer, immediately reporting his vessel to the collector of the district, stating the object or causes of entering the said harbours or waters, and conforming himself to the regulations in that case prescribed under the authority of the laws, shall be allowed the benefit of such regulations, respecting repairs, supplies, stay, intercourse and departure, as shall be permitted under the same authority.

Thus we see that, by this proclamation, the government not only tacitly approves of the conduct already, by resentment, dictated to the people, but imposes the conduct upon all in future, as a public and legal obligation. It was impossible for the government to do less than this, in the actual circumstances in which it was placed, however adverse it may be

thought to the dictates of scrupulous and cold-blooded caution.

Whether the formal orders to depart from our harbours and coasts, which is given to all British vessels of war, be entitled to the same applause or the same excuse, may be reasonably doubted. Disobedience to this order could not fail to be considered, on a final settlement of disputes, as an additional insult and outrage, yet disobedience was innocent, because obedience was impossible. The captains of ships must conform to the orders previously received from their admiral, as to the place and time of their stay, and the admiral is bound to follow the instructions of his government at home. These orders and these instructions were given when the two nations were on terms of mutual hospitality, and could not be revoked but with at least half a year's delay*.

This command, being a species of hostility, of vengeance, of self-compensation for the wrong complained of, would not fail to wound the pride of the wrong-doer, to lessen his inclination to atonement, and to furnish him with specious pleas for delaying or evading all concession. As likewise it was one of those commands which could not execute itself, and which, unlike the regulations respecting supplies, the government or nation had it not in its power to enforce, the slight it would necessarily meet with would be only a new and mortifying proof of our own imbecility. These considerations are such as might have had their weight with the government, without directly thwarting the tide of popular opinion at the time; and yet, if we may judge from the universal approbation with which the public received the whole proclamation, the applauses which it met with from every faction, on account of its imputed caution and temperance, we may perhaps be allowed to conclude that the government did right. Its ministers are beings of the same passions and views as the governed, and, if they disagree in opinion, can seldom, with safety, deviate in practice from the unanimous or general resolutions of the people.

Such was the expedition with which, on this occasion, the government acted, and such the local extent of the United

* The return of Humphreys, after the fray, to his former station, had the appearance of a new insult: the president, in his proclamation, mentions it as such; and it was probably accompanied, in the minds of the British officers, by hostile and contemptuous sentiments: but it was, in reality, enjoined by the laws of discipline, and neither the captains could leave the Chesapeake nor the admiral at Halifax authorize their departure, whatever their private sentiments or inclinations might be, without a ministerial mandate.

States, that most of those popular assemblies, which convened to express their detestation of the conduct of the Leopard, took place after the resolutions of the government were known, and consequently had, at the same time, an opportunity of declaring their opinion on the propriety of these resolutions.

It is hardly necessary to repeat that the leaders of all parties, on this occasion, zealously and unanimously concurred in applauding the measures taken by the government, and in promising to second and support it in every measure which might hereafter be adopted, to obtain redress or avenge the denial of it*. The present appeared to be one of those fortu-

* Those of Boston may serve as a specimen. A general assembly declared that, Whereas it appears, by a proclamation issued by the president of the United States, that a most wanton and cruel outrage has been committed upon the United States' frigate Chesapeake, by the British ship of war Leopard, in which our citizens have been wounded and murdered, and the flag of our nation insulted and violated. And whereas it is the duty, as well as right, of the citizens of a free country to express their readiness to support the constituted authorities in the measures they may adopt for national redress of an injury so barbarous in its nature, and so unprecedented in its execution: therefore,

Resolved unanimously, that the late aggression, committed by a British ship of war on a frigate of the United States, for the avowed purpose of taking from her by force a part of her crew, was a wanton outrage upon the persons and lives of our citizens, and a direct attack on our national sovereignty and independence; that the spirited conduct of our fellow-citizens at Norfolk on this occasion, before the orders of government could be obtained, was highly honourable to themselves and to the nation; that the firm, dignified, and temperate policy adopted by our executive at this momentous crisis is entitled to our most cordial approbation and support; that with all our personal influence and exertions we will aid and assist the constituted authorities in carrying the proclamation of the president of the United States, in every particular, into full and effectual execution; that though we unite with our government in wishing most ardently for peace on just and honourable terms, yet we are ready cheerfully to co-operate in any measures, however serious, which they may judge necessary for the safety and honour of our country, and will support them with our lives and fortune.

In another assembly, convened in a more formal manner, but in which all distinctions of party equally disappeared they say, Whereas, by the communications from Norfolk, Portsmouth, and their vicinities, and the proclamation of the president of the United States, it appears that the sovereignty of our country has been insulted, and the lives of our citizens sacrificed by the unjustifiable conduct of a British armed ship:

Resolved, that we consider the unprovoked attack made on the United States' armed ship Chesapeake, by the British ship of war Leopard, a wanton outrage upon the lives of our fellow-citizens, a direct violation of our national honour, and an infringement of our national rights and sovereignty; that we most sincerely approve the proclamation, and the firm and dispassionate course of policy pursued by the president of the United States, and we will cordially unite with our fellow-citizens in affording

nate occasions in which the people were entirely unanimous in their conduct towards a foreign power. That long contest between France and Great Britain, in the affections of the American people, which had hitherto embittered their domestic quarrels, seemed to expire as by magic. The various factions vied with each other in applauding the present measures of the government, and in binding themselves to befriend and enforce all its future measures. The enormity of this outrage left no room for the strongest prejudice to hesitate or argue. The injustice or temerity of the British government had deprived the warmest of its supposed friends, not only of the power but the inclination to vindicate their cause, and the present rulers of the state had the singular felicity of having all hearts and hands enlisted on their side, in their hostile feelings and measures with regard to Great Britain. It was easy, however, to foresee that this unanimity was momentary. Inveterate habits may give way, and customary enemies may embrace for a moment, but time will be sure to restore the empire to its old masters; enmities will gradually revive, and the bickerings of party be as loud as ever.

It was easy to see the termination of this golden unanimity in the peculiar circumstances of this case. Resentment, on all hands, would have time to cool in the interval which would necessarily elapse between the injury and the complaint. Remonstrances must be dispatched to the British court, nor could any satisfactory information be obtained of their effects in less than half a year. In that time the parties at home would have leisure to resume their habitual suspicions of each other, and the domestic causes of dissention, which are permanent and are unaffected by foreign transactions, would gradually regain that attention which had been diverted and absorbed by external considerations.

effectual support to such measures as our government may further adopt, in the present crisis of our affairs; that we shall remember with pride and pleasure the patriotic and spirited conduct of the citizens of Norfolk, Portsmouth, and their vicinities, before the orders of the government were known, upon this momentous occasion; and that they are entitled to the thanks and approbation of their fellow-citizens throughout the union.

CHAPTER V.

INTELLIGENCE of these transactions could not fail to reach the British government, through its own officers, sooner than through the representations of the American minister. The admiral at Halifax having light and fast-sailing vessels always at command and ready, may dispatch them without delay, with the hasty productions of his own pen. The American government were obliged to collect and sift evidence, to take counsel, and to draw up and revise its dispatches with the utmost caution and deliberation. Hence it happened that the British ministers were apprized of these events, in less than a month after they happened, though more than two months elapsed before Mr. Monroe, the American ambassador, received any official information on the subject.

The conduct of the British government, on receiving this intelligence, was such as seemed to argue their total previous ignorance of the measures of their admiral: but national affairs are, in general, conducted with so much fraud and stratagem; ends so distant and obscure are generally meditated and effected by means so circuitous and complex, that the common laws of evidence are seldom of any avail in enabling us to lift the curtain.

On the present occasion, it seemed, at first, glaringly inexpedient for Great Britain to provoke America, especially by so inexcusable an outrage as that on the Chesapeake. The improbability of an admiral's acting thus without orders was very great, but the impolicy of such orders was, in many minds, a still greater weight in the adverse scale, and, in such minds, the conduct of the minister, on receiving an account of these transactions, even through the partial medium of the offender's own letters, made his innocence certain. Men of deeper views, however, or at least of tempers more suspicious, saw in this conduct nothing but a link in a chain of artifices, whose ultimate purpose was a war with America: a purpose to be effected, first, by committing a violence which should suggest complaint and demands of reparation; secondly, by the refusal of that atonement which the pride of the British nation should deem adequate, but which the supposed hostile spirit of the ruling party in America would prompt them to reject.

Time only can fully confute or vindicate these suspicions. Meanwhile, the evidence within our reach ought to govern our convictions, and candour obliges us to examine it with accuracy.

On the 25th of July, Mr. Canning informed Mr. Monroe, in a short letter, of the attack upon the American frigate. With the wariness to be expected from a crafty minister, he declares himself unable to communicate to Mr. Monroe the particulars of this transaction, or the grounds of the justification of the officer who executed, or the admiral who ordered this violence: yet he must, at the same time, have been fully apprized of all the circumstances of the case, and this inability, to be consistent with truth, must be one arising, not from ignorance, as his terms imply, but from prudence. He concludes his letter with professing his regret, not at the transaction itself, but only "at its unfortunate result," and promises the most effectual reparation, on the safe and discreet condition, "that the British officer should prove culpable."

Mr. Canning is the first British minister, since Addison, who enjoys the reputation of a poet and classical writer. Unlike his illustrious predecessor, however, his writings evince the vivacity of his fancy more than the tenderness of his heart. His wit is less simple and pure, but more brilliant and sparkling; and his satire is aimed, not, like Addison's, at moral depravity, but political heresy. While the latter was fitted only, by his genius and ambition, for privacy and study, the former is eminently qualified for the turbulent and motley sphere of the cabinet and parliament. His classical taste merely displays itself in the force and correctness of his official compositions, and his intellectual vigour, only in the address, penetration, and subtilty of his ministerial conduct. A diplomatic controversy is a scene exactly adapted to his genius, and if success in this kind of warfare is allotted to the greatest master of rhetoric, and the deepest proficient in stratagem, he may safely count upon success.

In the letter just mentioned, there are all the evidences of his character which could be disclosed by so brief and slight a performance. The terms of it appear, at first, to be all that innocence and candour could suggest; and yet, when carefully reviewed, we perceive that no useful or rational regret is expressed, no fault is really avowed, and no satisfaction is explicitly promised.

Mr. Monroe, in his answer to this note, after declaring himself uninformed of the transaction in the Chesapeake, except by Mr. Canning's own letter, expresses his satisfaction on Mr. Canning's assurance that the violence was not authorized by

the British government, and that suitable reparation be made for the injury, on proofs that the British officer was the aggressor.

Mr. Monroe observes, in his subsequent dispatches to his own government, that, being aware of the probability that something had occurred to divide the blame between the parties, he had satisfied himself with accepting this conditional promise of reparation. The truth, however, is, that though it might be laudable policy to put this interpretation on the secretary's letter, there is nothing in that letter which, by any means, implies that the violence was not authorized by that government: no regret is expressed for any thing but that lives were lost on board the *Chesapeake* in this attack; being fully informed of the affair, he still considers the justification of the admiral as doubtful, and, by promising to punish, if found guilty, he merely assures us that such guilt is not already proved to his satisfaction.

In a very short time, the gazettes of the day detailed the news from Halifax, and informed the American minister that the outrage, even as recounted by the offenders themselves, was flagrant and inexcusable. The doubts expressed in Mr. Canning's letter, as to the guilt of the action, Mr. Monroe naturally imputed to the part he had taken in the dispute about the right of taking British subjects from American ships. The American government, which could give no countenance to this distinction between the rights of natives and of foreigners, even with regard to merchant ships, could be still less inclined to hearken to it in the present case. A national ship of war was necessarily exempt from visiting and search on any pretext whatever, and a search, even if lawful, could not be prosecuted by force, without intentions absolutely hostile. Mr. Monroe had, therefore, sufficient reason to be alarmed at the dubious and hesitating tone which the prudence of the secretary had dictated to his pen, and lost no time in laying before him his own views of the subject.

A subsequent interview between Mr. Monroe and Mr. Canning sufficiently explained all that was doubtful and obscure in the note of the latter. The American minister maintained that a ship of war protected all persons on board without exception, and could not be entered by force, on any pretext, without violating the sovereignty of the state to which she belonged. The British minister forbore cautiously to admit this claim under any circumstances; he insinuated that the decision of his government must

be influenced by the consideration whether the persons taken from the Chesapeake were British subjects or not. With regard to the authority under which the admiral acted, he explicitly asserted nothing, but betrayed merely a desire to persuade Mr. Monroe that the present ministry had issued no new orders to the admiral at Halifax.

In a note, presented immediately afterwards by Mr. Monroe, he details the circumstances of this outrage, as then known through the public prints; he declares the pretext alleged by Berkely to be wholly unjustifiable; and demands of the government, first, an immediate disavowal of the right of entering the national ship of a neutral on any such pretext, and, secondly, an assurance that the officer who is responsible shall suffer the merited punishment.

Mr. Monroe mentioned the previous station of the British squadron, within the bay of Chesapeake, as an aggravation of this outrage, though this circumstance, properly considered, neither magnifies nor lessens the offence, and briefly alludes to the numerous other and recent indignities and outrages, with which the British ships on the American coast were justly chargeable, though he properly observes that their inferior importance makes it improper to combine them with the present cause of complaint.

This remonstrance produced, for the first time, an explicit declaration, by the secretary, that the British government neither does claim, nor has, at any time, maintained a right to search ships of war in the public service of any state for deserters, and that, if the conduct of the commanders in America rested on no other grounds than the validity of this claim, the government will find no difficulty in expressing its displeasure at their conduct.

The secretary betrays some anger at the tenor of the American remonstrance, and insinuates that his first note contains all the satisfaction which the case, as at present known, required. Yet the cautious silence, the studied ambiguity, and the conditional professions, both of that note, and of the subsequent interview, so far from amounting to such a disavowal as this, evidently betrayed an inclination to justify the deed, and assert the claim.

We may easily imagine the alarm excited in the British nation, on receiving intelligence of the affray on the American coast. The intimate and complex connections which subsisted between Great Britain and America, more intimate and more extensive than ever before subsisted between independent states, were now in danger of being broken,

and broken suddenly, contrary to expectation and without warning. The trade of the United States supplies employment and subsistence to a vast number of merchants, manufacturers, and ordinary workmen in Great Britain. It principally furnishes the raw materials of many of their most lucrative and flourishing manufactories. The commercial intercourse between them is so managed, that much of the property of British merchants and manufacturers exists in the form of debts, due from America. Millions are annually paid, by America, to Europe; but the debt is only diminished on one hand, that it may be augmented on the other. A war would probably suspend but little the payment of this debt, and British manufactures would flow into the United States in more covert and circuitous, but scarcely less copious channels, than during peace. This, however, is a probability not very strong or obvious; and war, when viewed at a distance, will always drag in its train the formidable images of confiscation and extinguished intercourse.

But if the prospect of war with America excited consternation and alarm in many, those were by no means few in number, or inconsiderable in importance, in whom it awakened very different sentiments. The present flourishing commerce of the United States being built on their neutrality, and enjoyed, therefore, at the expence and to the exclusion of Great Britain, those who do not immediately deal with America, and are not visibly benefited, therefore, by the continuance of peace, regard themselves as injured by it. British ships are rendered useless by the superior advantages which neutrality bestows upon those of America. Europe is supplied with the products of the East and West Indies brought from these regions by American traders. They, therefore, partly bereave the East India company of the benefits of its monopoly, and, by filling the European markets with the products of the French and Spanish colonies, they limit the consumption and diminish the value of those of Great Britain. The claims of the American government on the subject of impressment are naturally odious in the eyes of those in whom national pride is their ruling passion. The interests and well-being of the British navy have become of the first importance, since the French have grown all-powerful by land; but these interests would be deeply impaired by admitting the claims of America, and powerfully strengthened by a war with that nation. The opportunities of pillage which such a war would afford to the navy make it extremely desirable to that body, and hence the prospect of a rupture with America, so

far from being disagreeable to the whole nation, was rather pleasing to that class whose rank and influence were likely to regulate the decisions of the government.

Such were the circumstances which, in addition to the difficulty of suitably and acceptably atoning for the injury complained of, made the issue of the present scene exceedingly doubtful, and inspired the greatest apprehensions as to the use which might be made by the British government of any retaliating measures adopted by America. In this state of things, a copy of the president's proclamation reached the hands of the ministry, a few days after the last remonstrance from Mr. Monroe, and before he had received any new instructions connected with the outrage on the Chesapeake.

This menacing paper could not fail to irritate the pride of the British government. It placed the injury lately complained of on a footing wholly new. It came in due season to relieve them from an irksome and humiliating perplexity. It rescued them from the necessity of disgusting the officers of the navy by reprimands and punishments, or of shaking the pillars of their maritime discipline by restoring deserters. But it was in the first place necessary to ascertain the genuineness of this paper. For that purpose, Mr. Monroe was requested, by letter from secretary Canning, dated the 8th of August, to inform him whether this proclamation was authentic, and whether the American government intended to enforce this interdict, without requiring or waiting for any explanation on the part of Great Britain.

The terms of this letter would naturally lead an impartial observer to conclude that all regret for the late outrage, and all disposition to atone for it, was swallowed up by resentment at this attempt of the American government to avenge itself, and that some hostile measure would probably be adopted in return. Of these measures, the most obvious one was an embargo on American vessels. Mr. Monroe was conscious of this danger; but, being unfurnished with any official intelligences or instructions from his government, he could do nothing to avert it. He could merely inform the minister of the ignorance in which he still remained, express his expectation of receiving very shortly the requisite instructions, and promise to communicate them to the secretary, when received, without delay. This was accordingly done.

The ambassador and the public waited in anxious impatience the next step. The American shipmasters hastened to leave the country. The manufacturers discontinued that labour which was to provide for future demands from the

United States. The merchants trembled for the fate of the debts still unpaid, and cautiously forbore to encrease them. The American residents in Great Britain began to make all the provision in their power against an order which they expected momentarily would be issued to depart the realm. Those who had ships, which the American trade had hitherto made, or which an American war was likely to make useless, began to meditate the fitting out of privateers. The naval officers exulted in the expectation of immediate hostilities, and prepared themselves to strike an early and lucrative blow ; but hope on one side, and apprehension on the other, were equally mistaken : no hostile orders were issued ; no precautionary measures were adopted.

CHAPTER VI.

EARLY in September, Mr. Monroe was enabled, by receiving the necessary instructions from his government, to explain the demands and expectations of his country on this momentous and critical event. This was accordingly done, in a letter to secretary Canning, transmitted on the 7th of September.

In this paper, the minister, after dwelling on the heinous nature of the outrage committed by the *Leopard*, and guarding against any extenuating pleas, arising from the previous conduct or birth-place of the men taken, first, by confining the view to the mere violence itself, and next by furnishing proof that the men were American citizens, proceeds to consider the mode and extent of the reparation due to the United States. On this head, however, he merely appeals to the sympathy of the British government, to those feelings which would be experienced, and that reparation which would be demanded by Great Britain, if placed in the same situation. The kind or measure of atonement is not pointed out to those who cannot fail to discover the dictates of justice and the claims of national honour, by imagining the injury done to themselves.

Thus far the ambassador proceeded upon sure and simple grounds. To resist or elude this demand, to disregard this forcible appeal, without manifest hostility, required more than ordinary ingenuity. The two circumstances in the case which offered them some shelter, were the voluntary enlistment of the men on board a British ship, and the mutinous violence committed by them in making their escape. Under these circumstances, a ministerial advocate would be sure to entrench himself; but this fortress was made useless by insisting on the natal or acquired rights of the captives merely as aggravations of a wrong, which, without their assistance, was abundantly flagrant and glaring. This opportunity, however, for enforcing other claims, appeared too favourable not to be improved.

Hitherto, the chief demand made by America on Great Britain was the exemption of the crews of merchant vessels from impressment. Natives of Great Britain were often to be found on board these vessels. The commanders of Bri-

tish ships are authorized to force such persons into their own service.

But they are found on board ships of a foreign and neutral state.

No matter. A native of Great Britain, her law says, shall every where enjoy the privileges, and be every where liable to the obligations of a British subject. One of these obligations, if the subject be a sailor, is, to serve in the navy when he is wanted.

But he has acquired, by conforming to certain conditions, the rights of a citizen in a foreign state.

It may be so. He has, in consequence, doubled, in some respects, his political privileges; since he cannot lose those of a British subject. He has likewise, by so doing, doubled his duties; since he has not by this act escaped the obligations connected with the place of his birth. Here, then, is the perplexity: as a native of Britain, he is liable to be taken on board of its ships of war; as a citizen of a foreign state, he is entitled to protection and to liberty. The honour of both states is equally concerned to maintain these incompatible claims; and, what is of much more consequence, and gives the debate all its real earnestness, the dictates of honour are enforced on both sides by those of interest. The naval service of one is impaired and interrupted by granting the exemption; the trade of the other is impaired and interrupted by yielding to the claim. How is the controversy to be decided?

Both parties appeal to the practice of foregoing times, as if the antiquity of the claim, on one side, and of the exemption, on the other, were the criterion of justice; as if it were our duty to submit to an injury, and our right to inflict an evil to-day, because we submitted to it, or inflicted it, yesterday.

Both parties appeal to the decisions of writers on national law, as if the contests of nations were really to be decided, or ever were decided, by the apophthegms of sages, who died centuries ago.

Both parties appeal to those principles, which constitute the independence and integrity of nations. One party exclaims, If you employ my subjects, or detain them when I want their services, you are an enemy. You assail my independence, and insult my dignity. With equal fervour retorts the other, If you take away my subjects from my ships, and compel them to fight your battles, you commit the grossest affront which one state can incur from the injustice and arrogance of another. You violate my independence in the most fla-

grant and atrocious degree; and yet, all the while, this appeal to past times, to musty volumes, to diplomatic rolls, to definitions of national equality or political independence, is a futile and nugatory parade. Usage and justice are in the mouths of both, but in the hearts of neither. The principle which actuates their conduct, and inspires their eloquence, and inflames their zeal, is their own interest. In judging of their interest they may be erring or infallible. No matter; their opinion governs them, and governs them alone. Does any nation renounce a claim? The victory has not been gained in argument. The concession is not made to justice. It is made to necessity; it is enjoined by interest. The claim cannot be effectually maintained by arms: to assert it, would be attended with more injury and inconvenience than the renunciation.

Does any nation insist upon a claim? Not because it is just and equitable: they consider nothing but its benefits. Equity and justice may be pleaded, but such is the peculiar quality of national interest in its influence on human minds, that what is beneficial will always appear to be just; to claim it will always appear to be duty; to die for it will always appear to be virtue; but still the two views are eternally separate in the mind of the king or the statesman. Though his claims will always appear just in his own eyes, their justice is no motive of his conduct. The impulse to his actions is derived from the perception of national benefit alone.

Such is the unavoidable complexity of national questions, that the statesman can never be at a loss for arguments. If we please, we can limit our view to the arguments on one side of any controversy; we can shut our ears against the adverse arguments; but our convictions flow from the views, be they broad or narrow, circumscribed or comprehensive, which are actually present; and thus are adversaries, who are equal in penetration and knowledge, equally zealous and sincere, though directly opposite in their convictions. Statesmen, having ascertained the dictates of national interest, have their path traced out: they walk in it accordingly, whether justice applaud or condemn: but justice is sure to applaud, and this contributes to the firmness of their steps, and the fearlessness of their brow, but neither turns their steps into this path, nor impels them forward in it.

To pronounce upon the justice of the claims which have been urged, for some years, by America against Great Britain, would be equally arrogant and useless. The arguments of the writer, and the convictions of the reader, are settled by some arbitrary, capricious, or personal motive; or

by the nation to which he belongs. He will never impair the interests of his country, for the sake of a strange land. He will never fail to combine the dictates of that interest with those of duty and justice. His relative situation thus prescribes his duty and moulds his opinions.

That a nation may rightfully settle the terms on which strangers are enrolled among its citizens; that a citizen should be protected by the state to which he belongs; that a state is injured and insulted when its citizens are taken from its ships by force, and compelled to fight for another state, seem incontestible truths: but these truths avail nothing in the regulation of national conduct. Great Britain conceives it to be her interest to take such persons notwithstanding. They will then be taken, while the taking will never want an argumental or diplomatic vindication, deduced from the natural and inherent duties of a subject, from which he cannot divest himself at his own pleasure, and from which no municipal regulations of another nation can, at any time, or in any place, divest him*. If war with America follow the taking, the British government will consider whether the consequences of this war will be more injurious than the giving up of their claim, and decide accordingly. If more injurious, they will submit to necessity. They will chuse the least of two evils. But neither will they think it just, nor their duty as

* When we read the volumes that have been written on the famous propositions, that *free vessels make free goods*, and *an independent flag protects those who sail under it*, we are amused by the learning, industry, and ingenuity, displayed by the writers: but when we ask, Why does *this* writer maintain that the goods of enemies may be taken even from the ship of a friend? Because he is a Briton, and he sees his position to be just, because the interest of his nation is concerned in enforcing it. Why does *that* writer maintain the contrary? Because he is an American, and the interest of his nation is concerned in the exemption. Reverse their situation, and their faith is reversed. Still more mortifying is the view, when we reflect upon the end of argument. This end is to influence conviction, and regulate conduct. But such arguments make no converts, produce no actions. The motive which prompts me to argue, guards my adversary from the influence of my arguments. Nothing that I can say about the elements of political independence, or the tenor of past transactions, can possibly induce a Briton to sacrifice the interest of his nation to mine; can possibly make him believe, that justice and duty enjoin this sacrifice upon him. In this point of view, therefore, the writer might just as profitably occupy himself in inditing sonnets to the moon, or recording the adventures of giant-killing Jack. Each orator, however, is sure of an audience, and of applause; he will be listened to by those who had previously adopted his opinion, have the same motives, and who will feel a preposterous astonishment at those who have adverse interests, and see no force in arguments, whose force a concurrent interest alone enables them to discover.

Englishmen, to sacrifice the smallest interest of their own to the greatest interest of another country ; nor will they allow a concession, which it is their interest to make at one time, to be pleaded as a reason for repeating it at another, when their interest prescribes a different conduct.

This, however, is not the whole of the controversy. British commanders are authorized to take British subjects from neutral vessels. But there is no visible or manifest criterion, by which a native of Britain can be distinguished from a native of America. In language, complexion, physiognomy, and manners, they are alike. The commander, therefore, will take the man whom he wants, because there is no external difference, which proves him not to be British. He may, indeed, produce a legal document to prove his rights, but the genuineness of this document cannot be proved upon the spot. The holder may be taken, nevertheless ; the document may be destroyed by the commander. No authority can supersede his, on board his ship. The victim of this injustice has no means of relieving himself. The vessel is a prison, stronger and safer than a tower of iron or of adamant. When finally released, no species of atonement can reach the size of the wrong, and no atonement of any sort can, from the nature of his case, be dispensed to him.

The American government complain, not only of the injustice of taking any of the crew of a neutral vessel, but especially of the more flagrant injustice of taking seamen that are natives of America. The British government acknowledges the injustice, and disclaims any right to take them. Naval commanders continue to take them. America continues to complain. Great Britain continues to express regret, and offers to adopt any practicable method of preventing the abuse. The most obvious method is to renew, and render as clear and strict as possible, the orders to naval commanders, to take no natives of a foreign country from neutral vessels. These orders avail nothing : they cannot furnish a criterion for distinguishing a subject from a foreigner. They cannot execute themselves, and may be disregarded with impunity. The abuse and the complaint continue as before. A strong inclination to correct the abuse is avowed, and any effectual method that can be proposed will be adopted. The only effectual method is to prohibit naval commanders from taking away seamen from neutral ships, on any pretence whatever, and this is, accordingly, required.

The British ministry, on the other side, do not deny that this abuse exists : they readily condemn it, though they

do not deny that there is no remedy but this: they allow this remedy to be effectual, but it goes too far. It exempts not only the native of America, but the subject of Great Britain, from impressment. To prevent an abuse of the right, they will not relinquish the right itself.

Such had been the state of the controversy, for some years, between the respective governments, prior to the present transaction. They were employed, on one side, in explaining the violence and extent of the evil; in pointing out the futility and inefficacy of any remedy short of a total abolition of impressment; in proving that the conduct of former times differed from the present practice; and that the desisting from impressing men from neutral vessels was not only much less injurious to Great Britain than the practice was hurtful to America, but that the injury in the first case was very small. On the other side, the abstract right of impressment, and its conformity, not only to the strongest dictates of present interest, but to the authority of ancient usage, was maintained with equal earnestness.

The question had three branches, on two of which the parties openly or tacitly agreed. The Americans were not very earnest in denying the right of Great Britain to take her own subjects, not subjects of the neutral state, from neutral vessels. The British claimed no right to take the native citizens of a neutral state from its vessels. On the third point, relative to seamen who were subjects by nativity of one state, and by naturalization of another, they differed. The same motives, however, the interest of the parties, which produced, likewise protracted the controversy. Each was unwilling to go to war in defence of their claims, because the remedy was worse than the disease; and each reflected that the causes of dispute were connected with the war in Europe, the duration of which was exceedingly uncertain. Hence, the parties assumed an amicable tone, and letters, and conferences, and ineffectual compromises, which brought the issue nearer, merely because time would one day, by restoring peace to Europe, infallibly decide it.

The occurrence in the Chesapeake put an end to this harmless warfare of paper and words. Here was a flagrant instance of that abuse which had been so earnestly complained of. Had the question been settled by the total abolition of impressment in neutral vessels, this violence would not have taken place. A recurrence of this violence could only be effectually prevented by this total abolition. If this connection were doubtful, yet this was a favourable opportunity for ob-

taining satisfaction on collateral points, and the American minister was therefore charged to demand absolute security against all impressments from American ships, as an essential part of the reparation due for the late insult.

The British government probably rejoiced at this determination. It opened a new door, in addition to that opened by the proclamation, for their escape from the difficulties in which their commanders had involved them. An official disavowal of any right to search national ships was a form of words that was easy; to send a minister across the sea to make this disavowal was likewise easy; to pay the expences of repairing the Chesapeake, and even to settle pensions on the widows and orphans of those slain in the attack upon that ship were no less easy. In doing all this, the praise of moderation and equity were cheaply purchased, and pride itself was as much gratified in offering as in receiving this ceremonious retribution. But this was not all that justice and a due regard to future consequences would demand. The solid and genuine fruits of regret, and the only reasonable pledge of good treatment in future, consisted in restoring the impressed men, and in punishing the admiral who directed the attack; and these the constitution of the navy and the maintenance of discipline rendered impossible. To make, therefore, the abolition of impressment an indispensable part of the required satisfaction, was to rescue the adversary from that dilemma in which his rashness had placed him. That he would give up his claim the more readily in consequence of this arbitrary conjunction of the two subjects, could not be reasonably expected. That he would gladly excuse himself, under this pretext, from making any solid and genuine reparation, any atonement that would really incommode or embarrass him, was wholly unavoidable. Opposite opinions, however, must have been entertained by the American government. In interdicting the supply of British ships on the American coast the nation was unanimous, and the government had no power to forbear, however defective this act might be, when weighed in the scales of the most rigid prudence. But the combining of the abolition of impressment in general with the other atonements for the recent insult, had not the same plea in its favour. The public opinion, on the wisdom of this conjunction, was by no means unanimous, and this brand was alone sufficient to kindle anew the flame of faction, which had lately been almost extinguished*.

* We are not to forget that the wisdom or folly of this conjunction is a question of no practical consequence. The subsequent negotiation, as

In the answer of the secretary to the remonstrance of Mr. Monroe, he plainly hints at the importance of the president's proclamation to the present controversy. A less compensation for the wrong is required when the sufferer repays injury with injury, than when he practises a rigid forbearance, and contents himself with simply appealing to the justice of the injurer. He inquires whether the American government purposes to recal this interdict, as soon as the right of searching neutral vessels of war is disavowed, thereby intimating that this recal will be necessary to any further step. He affirms that the employment of British sailors on board of foreign ships, without the king's consent, is unjust, and, therefore, that the full extent of the injury complained of on this occasion will depend upon the country of the persons taken from the Chesapeake. He then proceeds to protest against conjoining the general question concerning the impressment of persons from neutral merchant ships, with the affray between the *Leopard* and the Chesapeake; he defends this practice as conformable to usage, and as essential to the interests of Great Britain, and expressly refuses to discuss them jointly. He acquaints Mr. Monroe likewise, that if he is not authorized to treat these subjects separately, it is designed to dispatch a special minister to the United States, empowered to treat concerning the particular injury complained of, but not to discuss the subject of impressing men from merchant ships.

In answer to this paper, Mr. Monroe enlarges with great clearness and force on the propriety of blending the particular with the general wrong. The attack upon the Chesapeake was only the last and greatest in a series of wrongs, not less unjustifiable than this; that the last violence was greater than those preceding by no means justified delaying redress for all former ones, as they were wrongs of the same nature, and flowing from the same source. He defends the equity and usefulness, and asserts the pacific nature of the proclamation. Instead of repelling one hostile act with hostilities, the purpose of this instrument was merely to preserve order within the jurisdiction of the United States, to which end the removal of the British squadron became absolutely necessary. In this way we see the debate and decision which afterwards took place at Washington anticipated.

we shall hereafter discover, was not impeded by this obstacle. The proclamation put a stop to it. Where it stopped was of small consequence, since it could not possibly, from the difficulties inseparable from the case, arrive at an amicable issue.

The effect produced by these representations remained to be exhibited in the conduct of the minister dispatched to America. Mr. Rose, a man celebrated for his penetration and address, was selected for this purpose, and proceeded without delay to embark for the United States. All further debate between the agents of the two governments at London, either on the terms of a general treaty, or on the particular transaction in the Chesapeake, was necessarily suspended till the issue of this mission was known.

CHAPTER VII.

CONGRESS had been summoned, by a proclamation, to meet on the twenty-seventh of October, a period of more than four months after the misconduct of the *Leopard*. It was reasonably thought that the resolutions of the British government would have been known in that time; but though Mr. Monroe presented a formal remonstrance on this subject early in September, it was more than a month afterwards before Mr. Rose embarked for America, so that, at the meeting of congress, the American government was still uninformed of the state of the controversy.

This session of the legislature was the most important, and its proceedings excited a more lively attention in the public, than any which had for a long time occurred. The necessity of deciding between peace and war, and the probability that their decision would be a warlike one, was never more manifest since the formation of these states. All those biases in respect to foreign states, all those causes of ancient animosity which distinguished the parties in America, had time, in this interval, to recover in some degree from the shock occasioned by the attack upon the *Chesapeake*. Those suspicions which the party denominated federalists had been accustomed to entertain of the government, began to supplant the temporary fit of confidence which they had lately felt. It was thought by them, that the present opportunity could hardly fail of drawing forth all that antipathy against Great Britain which they imputed to the government: glad of any pretence to quarrel with that nation, of any occasion to display their good-will to France by ill offices to her formidable rival, would they not be strongly tempted, by insisting on indigestible terms, by urging injurious and provoking pleas, by raising needless obstacles, to prevent a peaceable agreement, and involve the states in the double evil of a war with England and an alliance with France? By a progress natural to the human mind, these suspicions and apprehensions inevitably begat an inclination in this party to view the late event in a less odious light. Their minds became less and less averse to hearken to those pleas, which could not fail to arise from so complex a subject, tending to extenuate if not to justify the conduct of the British admiral. Instead of solely

meditating on the violence itself, they began to reflect on the incidents that led to it. Doubts began to be entertained as to the justice of detaining notorious deserters from British ships. It began to be questioned whether the men taken from the Chesapeake were not really subjects of Great Britain; and the violence committed on the American ship began to lose in their minds much of its atrocity, by reason of the preceding provocations. These provocations were imputed as crimes, flowing from antipathy to Great Britain, to those who administered the government, while the subsequent proceedings began to be taken as indiscreet and hostile retaliations, tending only to cancel our claims to reparation. Setting out thus, they naturally arrived at the conclusion that the terms offered by England would not be accepted, and that the war that might follow would be chargeable only on the rancour and hatred, on the hostile neglect or precipitate vengeance of the government.

As the ruling party was accused of undue favour to France, their adversaries were of course driven into an opposite sentiment with regard to that nation. The annals of commerce furnished plenty of cases, in which the French government evinced an utter contempt for the rights of America, and related numerous violations of her property. These were magnified into outrages as heinous and unpardonable as the misconduct of the *Leander* and the *Leopard*, and as equally deserving of resentment. Such is the influence of party zeal, that the transactions in the Chesapeake seemed to be hastening to oblivion in the minds of one class of the people, while a deeper animosity was expressed against France than ever, though no very gross or flagrant injustice had been recently committed by that state against us.

That the ruling party, or republicans, should feel its aversion to Great Britain increased by the partiality to that nation, and its bias in favour of France augmented by the unjust aspersions, of its adversaries, was quite unavoidable. That the offences of England should be aggravated beyond their due size, and those of France unreasonably slighted or palliated by this party, was agreeable to the principles of human nature: in one party, the healing influence of time, in mitigating anger and in weakening the sense of injury and insult, was aided and facilitated, while, in the other, it was checked and obstructed, by their respective prejudices. That each faction should not content itself with imputing mere ignorance and error to their opponents, or even the illusions of party and prejudice; that they should ascribe the conduct

they arraigned as flowing from corruption, bribery, the influence of British and French gold, was a matter of course, at which no impartial observer of human affairs could be surprised. To censure and regret this is as useless and impertinent as to blame the shower which should not stop at refreshing, but should proceed to inundate the harvest field, or the winds which, not satisfied with adding wings to commerce or bringing health to cities, should overwhelm the one and lay waste the other.

As the ranks of the federal party could not fail to be augmented by many of those who disapproved of the revolution, and who still gloried in the feelings of British subjects, and by such emigrants from Great Britain as still retained all the feelings of national attachment, their adversaries gladly seized the opportunity of stigmatizing them collectively with the name, and imputing to them the prejudices of the ancient *tories*, while they dubbed themselves whigs and republicans.

The adverse party were not so fortunate. The magic of a name which so powerfully operated against them, they were disabled by circumstances from exerting in their favour. Formerly, when this party possessed the government, they assumed the name of federalists, and stigmatized their adversaries as jacobins. Their bias in favour of France, which was ruled at one time by a party of that name, naturally suggested this appellation. The opponents of the government were charged with aiming at the destruction of the constitution itself. The domestic experience of eight years has rendered these charges nearly obsolete, while the changes in France reflect upon its friends the imputation of being monarchists rather than jacobins; the latter name, therefore, has fallen into disuse, and the more harmless, but unmeaning appellation of *democrats* continues to prevail, merely because an apter, and, at the same time, a more opprobrious one is wanting.

The picture was by no means suited to the state of parties previous to the opening of the session at Washington. The seeds of these divisions were ripening slowly till this period, when they suddenly expanded into blossom and fruit, and the state of things just described was fully established before the end of the year.

The president, in his first communication to congress, relates, in general terms, the unsuccessful attempts that had been made to obtain by treaty, from Great Britain, security for our commerce and mariners. The signing of a treaty, which he refused to ratify because some of its articles were

highly disadvantageous, while no provision was made against the principal source of the evils which we suffered, was mentioned, as well as the renewal of the negotiation. Allusion is made to the attack on the Chesapeake, and the orders transmitted to London on that account, and the president declares his intention to communicate the answer as soon as it is received, together with the rejected treaty, and the correspondence and dispatches which followed and preceded, if the public welfare would allow it. He then proceeds to complain of the subsequent misconduct of the British commanders, in remaining in our waters in defiance of the interdict, in violating the jurisdiction of the states, and, finally, in putting to death one of the persons taken from the American frigate. He states it as absolutely necessary to our own safety in future, either to maintain a naval force in every harbour, or to exclude from them all foreign armed vessels, and recommends the latter measure as more agreeable to public frugality, and more favourable to the preservation of peace.

He proceeds to observe, that, in addition to all their previous violations of maritime rights, the British government had interdicted all trade by neutrals between ports not in amity with them; and, being at war with almost every nation bordering on the Mediterranean and Atlantic, our vessels had been required to sacrifice their cargoes at the first port they reached, or to return home without the benefit of seeking a better market. He represents our trade in the Mediterranean as being swept away by the operation of this new law.

On the nineteenth of February, about three months after the issuing of the French edict at Berlin, prohibiting the trade of any nation with England, and the admission of British manufactures into French ports, the Spanish government was compelled, by the commands of its imperious confederate, to enact a similar law. The president communicates this decree, as well as that just mentioned as having been promulgated by Great Britain, to congress, and observes, in relation to the former, that due intelligence had not, at that time, been obtained, as to the degree or extent in which this decree would be executed.

When the attack on the Chesapeake became public, together with the spirit of general resentment which it naturally awakened, the English commanders on the northern border began to employ some precautions, and make some provision against the war likely to take place. The Indian tribes are too useful as friends and dangerous as enemies to be overlooked or neglected on such occasions, and the president in-

forms congress, that some suspicious movements had been perceived among them, to check or allay which, proper measures had been employed, but had been less successful with the ruder and more remote tribes, than with those nearer and more civilized. These were the chief particulars in the state of our foreign affairs communicated in this paper*.

The first step that was made to the consideration of the external situation of the nation, in the house of representatives, consisted in a motion by Mr. Dawson, of Virginia, "to refer that part of the president's communication which related to aggressions committed within our ports and waters by foreign armed vessels, to the violations of our jurisdiction, and the measures necessary to protect our ports and harbours, to a select committee."

* The tenth congress of the United States consisted of *one hundred and seventy-eight* members, *thirty-three* composing the senate, and *one hundred and forty-five* the house of representatives. Perhaps there is no example in any state, where the legislature is composed of many, of so small a proportional body. In Great Britain, the two houses exceed nine hundred, or are five times more numerous than ours, while the population is less than triple. In France, the legislative bodies have been seven and eight times more numerous, with a population only four or five times greater.

The American senate was composed, at this time, of two from each of seventeen states, except Rhode Island, in which there was one accidental vacancy. The house of representatives consisted of *twenty-two* members from Virginia, *eighteen* from Pennsylvania, *seventeen* from Massachusetts and New York respectively, *eleven* from North Carolina, *nine* from Maryland, *eight* from South Carolina, *seven* from Connecticut, *six* from Kentucky and New Jersey respectively, *five* from New Hampshire, *four* from Vermont and Georgia respectively, *three* from Tennessee, *two* from Rhode Island, *one* from Delaware, Ohio, Indiana, Mississippi, and Orleans respectively.

In this great balance, the mechanical or numerical weight of each state in the senate was equal, except Rhode Island, which had accidentally only half the *gravity* of the rest. The five eastern states, which in many respects have a common interest, weigh as *ten*, the four middle states as *eight*, the five southern states as *ten*, the western states as *six*; the western and southern are to the middle and eastern as *sixteen* to *eighteen*, while the eastern and southern are equally ponderous.

In the house of representatives, the eastern states are as *thirty-five*, the middle as *forty-two*, the southern as *fifty-four*, the western district as *thirteen*. The southern not only exceeds all the others, but exceeds the eastern and western jointly by *six*. The eastern and middle together exceed the southern and western together by *ten*. Virginia alone is equal to Massachusetts and New Hampshire taken together; it has *four* votes above Vermont, Connecticut, Rhode Island, and New Hampshire taken together; it has *two* votes more than Pennsylvania and Delaware united, it has *one* vote more than the western district combined with South Carolina.

Joseph B. Varnum, a representative from Massachusetts, was elected speaker.

Mr. Quincy, of Massachusetts, proposed to refer to a particular committee that part of the message which related to the outrage on the Chesapeake, and to instruct this committee to inquire particularly into the circumstances of that transaction. He pleaded the great importance of the subject as sufficient to require the attention of a particular committee; and the advantage of obtaining accurate intelligence concerning it, and of imparting this intelligence to the nation at large.

This motion was opposed by different members, on the score of its informality; on a plea that an inquiry into this subject was, at present, too early, the president having promised to impart further information as soon as he obtained it; that all the information necessary to guide their present resolutions was in possession of the house and of the public; that the commander of the Chesapeake being then on trial, it would be improper to form any resolution which would influence the issue of that trial; and that, at all events, the committee first proposed were, by the terms of their appointment, sufficiently qualified to conduct this inquiry.

The chairman having declared the motion of Mr. Quincy to be made in due form, the first of these pleas was unavailing, and, to the objection founded on the trial then pending, it was replied by Mr. Quincy, that his purpose was merely to obtain full and exact information, and not to pass immediate judgment on the conduct of any minister or officer. This motion was rejected without a division, but was proposed anew, on the fifth of November, by Mr. Quincy, in a less obnoxious form. He moved that the committee, appointed under Mr. Dawson's resolutions, be instructed to inquire into the circumstances of the attack of the Chesapeake, and the causes and pretexts assigned for making it, and re-urged the great importance of the subject; the inaccuracy of that information which the papers of the day had communicated; the advantage of having the truth explained to them, supported by the strongest evidence and the highest authority; that by blending many subjects of inquiry together, and failing to demand a strict account of any one, a disposition to evasion and concealment might be indulged with impunity; that even if the present committee fulfilled the purpose of this motion of their own accord, it was still more honourable to the house to demand it from them, since a conduct that argued indifference or negligence in them, on a theme of such moment, was highly culpable.

It was urged, by Dana, Alston, Gardenier, and Alexander, that the committee were not authorized, by the terms of

their appointment, to examine the affair of the Chesapeake, which occurred, not *within the waters of the United States*, but in the ocean, several leagues from the coast. They likewise urged the necessity of evincing their zeal, by charging their committee expressly with the examination of this subject, even should they spontaneously attend to it; that the present motion, if unnecessary, yet could not be injurious.

To this it was answered, by Blount, Smilie, Sloan, Newton, and G. W. Campbell, that this subject was included in the objects of other committees already appointed, if not of this; that this committee deemed it within their province, and had already taken the proper steps to obtain the information which this motion required; that, therefore, it was totally superfluous, nor could be construed any otherwise than either as an imputation on the zeal and diligence of the committee already formed, or as an affectation of extraordinary patriotism, on an occasion where the patriotic zeal of the patrons of the motion could not justly be supposed greater than that of its adversaries.

The motion was rejected by ninety-three votes against twenty-four.

An impartial observer cannot perceive any importance in this controversy. It is impossible to doubt the zeal and inclination of the opposing party to blazon the insult received, and avenge it. This zeal was earnestly avowed by their antagonists. That the avowed purpose of both would be answered by accepting or rejecting this motion was clearly seen by both; yet they disputed with vehemence, and the great parties in the nation ranged themselves on opposite sides. The covert or secret causes which impelled one party to urge, and the other to resist, it is not our business to explain on this occasion.

A report was made on the 23d of November, by the committee whose powers were the subject of this debate, declaring that the numerous violences committed within the American waters, and the limits of our jurisdiction, whether directed by the British government, or prompted by the unauthorized insolence of the naval commanders, evince the necessity of protecting the ports and harbours by an adequate force; that the suitable means of defence against attacks merely naval are land-batteries and gunboats; that the ports which, from their importance and their open situation, require the earliest attention and the greatest expence, are New Orleans, Savannah, Charleston, Wilmington, Norfolk, Baltimore, Philadelphia, New York, New London, Newport,

Boston, Salem, Newburyport, Portsmouth, and Portland ; that the ports of less importance, and capable of being fortified with less expence, are St. Mary's, Beaufort, George Town, Ocracok, Albemarle sound, James river, York and Rappahannock rivers, Potomack, Patuxent, Annapolis, and Eastern shore, Delaware bay and river, Egg Harbour, Amboy, Long Island, Connecticut shore, Yiverton, New Bedford, Marblehead and Cape Ann, York, Kennebunk and Saco, Kennebeck, Sheepscot, Damescatta, Broad Bay and St. George's, Penobscot, Frenchman's Bay and Passamaquoddy ; that these fifteen greater and thirty-two inferior posts, being suitably fortified, would defend our maritime frontier from attacks made by ships ; that the president be authorized to raise these fortifications, and to build, equip, and distribute the necessary number of gunboats.

On the 17th of November, the above-mentioned committee made a report, in which they express their indignation at the outrage committed on the Chesapeake ; mention their applying to the government for information on the subject, and their having obtained this information ; they then recount all the circumstances belonging to that transaction, and affirm it as incontestibly proved, that Ware, Strachan, and Martin are citizens of the United States. They decline detailing these proofs, however, or determining whether the attack made upon the Chesapeake took place within or without the local jurisdiction of the states, because its iniquity remains the same, equally flagrant and enormous on every supposition. They likewise decline to propose any measures relative to that enormity, till the answer of the British government, to the remonstrances recently made, were known. They brand with the strongest epithets of indignation the conduct of the British ships, prior and subsequent to the great outrage, in remaining within the bay of Chesapeake, after being warned to depart, taking vessels, impressing seamen, and publishing indecent menaces against the people for adhering to the legal commands of their own government.

It would hardly be necessary to mention here a motion made by Matthew Lyon to forbid, by law, all transfers of public stock by subjects of Great Britain, and the payment of all debts to them, were it not to remark and applaud the wisdom and moderation of the house in treating this proposal with contempt and neglect.

On the 20th of November, a committee of the senate had proceeded so far as to present to that body a bill for defraying the expence of building an additional number of gunboats.

The government had previously notified them that, besides stable fortresses and batteries, near two hundred and sixty gunboats would be necessary, of which about seventy were already provided. In distributing them, the greatest number, about fifty, was said to be required at New York. The building of a gunboat is said to cost about five thousand dollars, so that, deducting those already built, and the stores already provided, a sum of eight hundred and fifty thousand dollars was said to be required to raise this species of navy to the force above mentioned.

A few days after, Mr. Adams reported a bill for maintaining the authority of government in the ports and harbours of the United States. It authorized them to allow or refuse at pleasure admission to all armed foreign vessels, and to remove them, with certain exceptions, by force. All British vessels of war are prohibited from entrance, but the president is allowed to relax or annul this interdict, on receiving adequate atonement for the injuries already received. On refusing to depart, such vessels are to be treated as open enemies.

The scene of political contest began more distinctly to unfold itself on the 27th of November, when a petition of some of the merchants and traders of Philadelphia was presented. In this memorial they request that the commercial interests of the United States may not be endangered by insisting, in our negotiations with Great Britain, on claims dubious or unimportant; that the non-importation act of the 18th of April, 1806, might be repealed, because the execution of it would not be favourable to a friendly settlement of the present controversies with Great Britain, since, while it injured and embarrassed ourselves, it tended to disgust and irritate that nation; and because this repeal would evince a magnanimous and conciliating spirit on our part, and tend to reconcile the nation more unanimously to the evils of war, if war, notwithstanding, should ensue.

It is hardly necessary to remark, that hitherto the public were wholly unacquainted with the state of the controversy between America and Great Britain, and with the terms of reconciliation offered by Mr. Monroe, or by the British ministry. Five months had now elapsed since the unfortunate transactions in the Chesapeake, and no one could clearly predict the consequences, whether warlike or pacific, which were likely to ensue. Some hints, enabling the people to form some judgment of the future, might be derived from a knowledge of the terms of satisfaction demanded by Mr. Monroe,

and this knowledge might help those whose property was abroad in regulating their conduct. That party who suspected the inclinations of the government and its adherents to be hostile to peace were greatly alarmed at the darkness which rested on its proceedings, and began to exert themselves, as in this memorial, to discover the true state of things, and to counteract this imputed bias.

On behalf of referring this memorial to a committee of the whole, it was urged by Clay, J. Randolph, Milnor, Bassett, and others, that the non-importation act was essentially defective, full of contradictions and absurdities ; incapable of being, in many cases, carried into execution, and injurious to the very purpose for which it was made ; that an opportunity would thus be gained of discussing the present state of our affairs, which had hitherto been shamefully neglected ; and that this mark of respect was due to the character of those by whom this memorial was presented. This motion was opposed by Rowan, Crowninshield, Smilie, Rhea, Nelson, and others. The law which the memorialists condemned was maintained by some to be just, necessary, and, in the main, accurate and efficacious, and, therefore, proper to be executed. Others acknowledged the defects of the law, but that, though they would not have approved of it when first passed, the repeal at present would be injudicious and unreasonable ; would argue meanness and undue submission to Great Britain, and, instead of reconciling, would merely serve to inflate her pride, and prompt her tyranny. In this debate all the usual spirit of party began to display itself. The memorialists were branded as subjects and partizans of Britain, and their advocates accused of a traitorous disposition in favour of the same nation. Similar imputations were retorted with equal vehemence by their antagonists. The government was accused of aiming at an unnecessary war, and the representatives of submitting with servility to the mandates, and trusting with mischievous devotion to the wisdom of the government*.

The motion was rejected by eighty votes against fifty.

The proceedings in England became known to the American government about the beginning of December. Though no official communications respecting this subject were made,

* When we analyze the debates of a public assembly, we are astonished to find how much of idle repetition, verbose redundancy and obscurity, and efforts to explain which make the previous confusion worse confounded, with personal altercation and abuse, compose the motley tissue of the controversy. The debate, on this occasion, would have filled an ample volume, and yet it is difficult to extract more of argument from it than is mentioned above.

either to the congress or the public, they were sufficiently informed, through certain newspapers*, of the actual state of the negotiation at London. Certainty, however, was still wanting, and the general solicitude to gain this certainty became very great.

On the 1st of December, the senate adopted a bill, presented, as already mentioned, by Mr. Adams, to preserve the authority of government in the ports and harbours of the United States. Previous to the decision of the other house on this bill, Mr. J. Randolph proposed, on the 3d, several resolutions, of which the first, declaring that provision ought to be made for the support of the indigent officers and soldiers of the revolutionary army, was adopted by sixty-three against fifty-one. The second, that provision should be made for arming and equipping the whole body of the American militia, was likewise adopted by a small majority. Several amendments were proposed, to modify the extent of this provision, or evade it altogether, but failed. A third resolution, respecting the purchase of artillery, was unanimously adopted.

The objections made to the resolution for arming and equipping the militia were founded on the injustice of making those states, who had paid suitable attention to this subject, contribute to the expence of supplying those who had been deficient; on the impolicy of arming the citizens, on the authority of the United States, when the usurpations of the government might possibly justify resistance, and this resistance, therefore, be precluded by the general government withdrawing the arms furnished by itself; on the inefficacy of every practicable mode of arming the militia, since the arms furnished to the people, at the public expence, would speedily be lost or made away with; and on the propriety of employing all our money on the means of maritime defence.

In favour of the resolution it was urged that, in case of war, the inland, as well as the maritime frontier, would be exposed to the most dangerous attacks: attacks which fortified posts would be insufficient to repel; that castles and gunboats, however useful, were less so than armed men, and, without an armed population, were useless; that, therefore, it was proper to attend to the most important purpose first. This resolution was adopted by seventy-two against fifty-five.

* The substance of the correspondence between Canning and Monroe was published, early in December, in the *National Intelligencer* at Washington, but merely as rumour.

Much debate took place, on the 30th of November, on a report from a committee recommending an indefinite sum to be employed, first, in fortifying the ports and harbours of the United States, and, secondly, in building and equipping gun-boats, to assist in the defence of these harbours. All parties concurred in the necessity of making a provision of this kind, but they differed as to the sum itself to be thus applied, and as to the time of applying it. One party proposed that the sum should not be fixed till distincter views could be obtained as to the probability of immediate war. The sum proposed, in case of war, was near eight hundred thousand dollars; in case of peace, or doubtful neutrality, three hundred thousand was deemed sufficient. It was urged against the smallness of the sum, and against delay in fixing it, the extreme probability of war; the military preparation already made by Great Britain in Canada and Nova Scotia; that a season of peace was evidently the proper time for raising fortresses, since they could not be raised in a moment, and in war the danger was at hand; that to place the nation in a defensible condition was the best means of averting war, since it discouraged an attack; and that the sums proposed were wholly insufficient for their purpose, and would therefore be merely thrown away.

On the other hand it was pleaded, that, by information received from the secretary at war, three hundred thousand dollars would be as much as could be conveniently expended in one year, in case of peace, and that, in case of war, large sums must be expended on temporary defence merely; that an effectual and permanent defence required the aid of gun-boats as well as fortresses: a considerable sum, therefore, ought to be devoted to the latter, while the former could not be created in a single year, and would not, therefore, require the fixing of the whole sum at the present moment; that the sum proposed was not small or insignificant, because it merely related to the walls of fortresses; and that the very difference of opinion among them evinced the propriety of postponing the fixing of the sum, until the bill itself was brought on. Both resolutions were finally agreed to without naming the sums, and without division.

The bill, for building an additional number of gun-boats, received from the senate, was agreed to by the house of representatives, on the 10th of December. Much debate took place on this bill; but, though the controversy entirely related to the usefulness and efficacy of this mode of defence, the votes were, in some measure, guided by considerations of

party. It was carried by a hundred and eleven against nineteen. On the 14th of that month, the non-importation law, hitherto suspended, began to operate. The legislature was engaged, at the same time, in remedying some of its defects, by a supplement, on which there was little room for any of those systematic contests, to which the two parties in the public councils were so prone.

On the 15th of December, the non-importation act underwent a new discussion, in the house of representatives, in consequence of a motion to refer the memorial of the merchants of Philadelphia to a committee engaged in framing a supplement to that law. The debate was long, and argument and altercation abounded; but no fresh ground of any consequence was opened by either party. The same uniformity prevailed in the debate which took place the next day, on fixing the sum to be employed in fortifications. The committee who framed the bill, and who may be deemed the party of the government, proposed a million of dollars. Their adversaries enlarged this sum to a million and a half, and to two millions and a half, but the first was finally adopted by a large majority.

The attention of the legislature and the public were now strongly engaged by the arrival of dispatches from England, by the ship which carried out the complaints and demands produced by the attack of the Chesapeake. This vessel arrived at New York about the 12th of December, and on the 18th of that month a secret communication was made to congress. The public naturally concluded that the answer of Great Britain to the demands of America had been now received, and that this answer was absolute. The outlines of the negotiations with Great Britain were already generally known. That the demands of America had been rejected was likewise known. What measures were recommended by the government to congress? what measures would congress adopt? would war be immediately determined on? or, as a preliminary expedient, by which some of the disadvantages of war might be prevented, or as an expedient serving as a substitute for war itself, would the shipping of the nation be henceforth confined to our ports by a general embargo? As every individual was concerned, indirectly or immediately, in the decision of these questions, the universal solicitude, the vehement impatience for further information, may be readily imagined.

The president, in communicating certain papers to congress, observed that these papers would show the great and

increasing dangers that attended the commerce of America, in consequence of the lawless proceedings of the French and English governments. It being of the greatest importance to keep in safety our essential resources, he recommended a law prohibiting the departure of all American vessels from the ports of the United States. In pursuance of this advice, a general embargo was proposed, and, notwithstanding all the exertions of many eloquent and zealous opponents, was finally passed by both houses, and ratified by the president, on the 22d of December.

The bill for this purpose originated in the senate. Many amendments proposed in the house were adopted, and several, tending to shorten its duration, or circumscribe its influence, were rejected. Mr. Quincy proposed to exempt from embargo vessels engaged in the fisheries, provided they returned with their fishing fare to the United States. He likewise proposed that the embargo should not contravene any rights or privileges rising out of treaties between America and foreign states. Mr. Mumford moved to limit its duration to sixty days: but all these motions failed, and the law passed by eight-two votes against forty-four.

By this law an embargo is laid on all vessels within the limits of the United States, cleared or not cleared, bound to any foreign place, except all foreign armed vessels, such as may sail under the directions of the president, and foreign vessels, either in ballast, or with the cargo on board when notified of this act; no loaded vessel is allowed to pass between American ports, without a bond for double the value of vessel and cargo, conditioned that the cargo shall be re-landed in some port of the United States.

Thus was exerted, by the general government, the most thorough and comprehensive power with which any government can be vested. The wheels of foreign commerce, in one of its most important branches, were commanded to stop; all the capital and labour employed in producing or carrying away the articles of foreign traffic, were forbidden to pursue their customary direction. The chief or only source of the subsistence of millions was sealed up by this decree; and yet it was submissively received and patiently obeyed by the people. That government, of whose stability and efficacy so many doubts had been entertained; whose hold of the reverence and affections of the people was imagined by some to be so feeble and precarious, was now found to possess an energy and authority equal to any which the world had ever seen.

These conclusions are, however, unhappily, more specious than solid. An embargo or suspension of commerce is trivial or important in its consequences, according to the season and the permanence. An embargo of a week, or month, or three months, is frequently produced in our most important commercial cities, by a severe winter, or a summer pestilence. To prohibit the sailing of vessels has no effect, or a beneficial effect, upon the fate of vessels already sailed or returning. Vessels in port form no considerable part of the shipping of a nation, whose voyages are in general so long, whose vessels penetrate every corner of the globe, and who are in so extensive a degree the carriers of other states. The prohibition, even when absolute, can only operate by slow degrees. The commercial stream is so long, divided into so many channels, so circuitous in its windings, and previously supplied by so many and such copious fountains, that the remoter channels will be full, and the diminution of the current scarcely perceptible, long after the fountains are shut up. If they are opened again in a short period, the flow will continue without apparent interruption; or the augmentation at the source, occasioned by the pause, will more than counterbalance the previous decline in the distant channels, occasioned by the pause.

There is another circumstance of great importance in the present case. Laws are not omnipotent. They cannot execute themselves, and their execution is thwarted and defeated in proportion as they interfere with the usual occupations and darling interests of a great number of the people. The commerce of a state which has fifteen hundred miles of sea-coast, broken into innumerable rivers and inlets; a state whose inhabitants are remarkably addicted to trade, and ingenious in all its stratagems and artifices; whose moral principles are not distinguished by any remarkable inflexibility; who are apt to regard the evasion of legal restrictions on trade, as more laudable for the dexterity it evinces, than blameable for the guilt it incurs: the trade of such a people nothing less than divine power can extensively or permanently controul. The law, therefore, though unrepealed, though not openly resisted, though externally submitted to, will yet probably be so extensively eluded, that none or few of the evils imputed to it will be found to take place, and little claim is made upon the self-denial or loyalty of the people.

The embargo was a restraint, whose effects upon foreign powers were expected to be very sudden and peremptory. That conduct of the states at war which produced it, it was imagined, would be changed by the mere terror it inspired.

By withdrawing the stream wholly, because foreign states had raised some impediments in the channel, it was thought these states would suffer so much as to induce them spontaneously to clear it again; and this with so much expedition, that little inconvenience to ourselves was dreaded from a pause so brief. In these respects the people were guilty of a double and complicated error. That the embargo, even if punctually enforced, must be of long duration before all the American shipping could be imprisoned in our harbours, before its effects on ourselves or others could be fully experienced, and that it could not be rigorously enforced at all, and, consequently, that neither the direct evils to ourselves nor the indirect advantages, which flowed from and were proportioned to those evils, could ever accrue to us, occurred but to few minds. Meanwhile the immediate injury being necessarily small, and the worst that was dreaded being supposed to be of short duration, the embargo was received by the nation with submission.

Argument and altercation, both from the doubtful nature of the subject, the impulse of adverse interests, and the instigation of party spirit, were loud and clamorous; yet a calm attended the moment in which this edict was promulgated. The people were thrown into a kind of astonishment and terror. The embargo was suggested by the conduct and resolutions of France and Great Britain, but these were known only to the government and legislature. The motives for enacting this law were for some time kept out of sight. Suspicion and conjecture had leisure to divine these motives, and for a time the adversaries of the government were more busy in arraigning the motives of the movers, than in questioning the legality or discussing the consequences of this measure. By them it was imputed to the menaces of France; menaces affecting the pusillanimity, as well as the affections of the ruling party. France had threatened America with war, if she maintained her usual intercourse with England. To interdict the trade with England alone was not demanded by the French, because this would have brought on open war with that power, and this war would, as effectually as a general embargo, have stopped the commercial intercourse with the French dominions. An open war would have injured America more, and England less, than a rigorous embargo. Therefore, a general embargo was perfectly consistent, they said, with the views and policy of France, and to gratify the ambition, and humour the arro-

gance of the haughty Napoleon, was it recommended and adopted.

When the real tendencies, both foreign and domestic, of this law, became the topics of popular discourse, it appears to have been attacked and defended, principally on the following grounds.

CHAPTER VIII.

THE embargo was never represented as a measure connected necessarily with the attack upon the Chesapeake, or with those injuries of a similar nature, lately in discussion between the ministers of the two nations in London. Its advocates pleaded only the encroachments made by France and Great Britain on the liberties of neutral commerce, flowing from their arbitrary detentions and confiscations, their orders and decrees.

Its opponents insisted on the inefficacy of the measure ; on the disproportion between the injury inflicted by it upon others, and that accruing from it to ourselves. They maintained that it was more injurious to Great Britain than her enemy, and proceeded from two motives, equally blameable, an absurd and rancorous antipathy to Great Britain, and a treasonable bias or submission to France.

To keep our property at home, said its advocates, is the only way to prevent it from being pillaged by the nations at war.

No pillage, said its enemies, to which it can now be exposed, is equal to the injury of keeping it at home to moulder and perish.

It will, said one, save our ships and sailors from the fangs of France and Great Britain.

Ships unemployed, said the other party, are worse to the owner than vessels captured or shipwrecked, because, while laid up, they are productive of ceaseless expence, and no profit. Sailors cannot subsist without employment. If they cannot find it at home, they will go abroad in search of it. If, therefore, the injustice of foreign states interdicted our whole trade, it would do us less, or, at least, not greater mischief than is produced by a general embargo : but no such universal interdiction exists. Many avenues are still open, and must for ever remain open to our trade : avenues which neither the power of any foreign state is able, nor their interest will permit them, wholly to close. They likewise urged that the only ground on which an embargo can be justified, the interests of the people, is totally wanting. Since the people, in a case of this kind, are fully adequate to the care of their own interests. By not imposing an embargo, the merchant is left to act by his own knowledge and discretion. He

is not compelled to send his property abroad, but only allowed to do so, if his own prudence and sagacity permits it, in a case, in which it is impossible that the state or any other individual can judge truly and accurately but himself.

Besides, said the friends of the embargo, the advantage of rescuing our property from pillage, and our mariners from servitude, this measure will powerfully tend, by the inconveniences to which it subjects the powers at war, to make them alter their proceedings towards us, and do that from the impulse of their interest, which equity and good faith are unable to extort from them.

It will impair the manufactures of Great Britain, by partly depriving her of the rude materials employed in them; it will undermine her naval strength, by holding back naval stores, which she has been accustomed to receive from or through us; it will injure her essential interests, in withholding the supplies essential to her colonies.

France will suffer in the loss of all those luxuries she has been accustomed to receive from us, and her colonies will be deprived of supplies, by the same means that block up all the channels by which they have hitherto disposed of their productions. Spain will likewise suffer in much larger measure. Her colonies are equally dependent upon us for their subsistence as those of France and Great Britain, while her European empire, in consequence of bad tillage, frequently wants the bread which we only can furnish: and while the embargo is a powerful weapon in our hands, it is such a one that no nation can resent the drawing of it: it commences with ourselves; it operates within our own limits; it is the exercise of a territorial or internal jurisdiction, at which no nation has a right to complain, and of which every state has occasionally set the example. It is a species of warfare less injurious to ourselves, more hurtful to others, and at the same time less likely to incur from others hostile returns, than any which it is possible to pursue. It is a mere effort of precaution, impartially extended to all nations, against which, therefore, no particular nation can reasonably take umbrage. It will not obstruct the settlement of our present differences with Great Britain, more than any other precaution against war.

These pleas received a double answer. It was first denied that the injury would be essential or permanent to Great Britain. The raw materials of her manufactures she would be able to procure from her empire in the east, from Canada and Nova Scotia, from her own colonies, and from those of Portugal. The soil and the hands are not wanting. All hitherto want-

ing is a market, at home, which America has hitherto supplied more conveniently and cheaply. If this source be dried up, another, even though attended with some disadvantages, will infallibly be opened, and, when opened, will it not continue to flow? The channel of commerce once changed, will the stream ever revert? if it would spontaneously revert, will the interests of the British government ever permit it to revert? Being compelled by necessity to introduce new subjects of culture, to open new channels of trade, her dearest interests, both commercial and political, will prompt her to foster and encourage them, and what we wantonly give away, we shall never regain.

Her colonies receive from us at present fish and flesh, bread and timber, but, if we deny these, will they necessarily starve, or go houseless or naked? Can any one believe the West Indian soil will not supply food to its inhabitants, or that they bring it from a distance for any other reason than because on the whole it is cheaper to obtain it thus than to raise it? If they cannot obtain it from us, they can obtain it from the American provinces of Britain, from those of her allies, from the British islands themselves. If none of these supply it, they must content themselves with those substitutes which their own soil affords; which are wholesome and delicious substitutes, and which nothing but habit has hitherto caused to be neglected or despised. Their own woods and their own fields will either supply them with what they procure from us, or furnish them with something better. They cannot starve or suffer materially, and the worst that can befall them is the necessity of employing more labour and more ground than hitherto in raising provisions, and more hands in cutting timber in their forests.

If the embargo injures Great Britain, so does it benefit them. We have hitherto been the carriers of the world; will the wants of the world remain wholly unsupplied, because we do not supply them? Will all Europe remain without the commodities of China, India, the West Indian islands, and America, because we carry them no longer? Cannot Britain furnish ships, sailors, and is not every sea subjected to her empire? Can laws and decrees, without fleets to support them, shut out the necessities and luxuries of life from any country, and will they not, in some measure, in a measure somewhat augmented by the American embargo, be furnished by British ships?

But suppose the injury to be great, the end is not therefore accomplished. Great Britain is not accustomed to bow to threats, to relinquish a point of honour because her interests

are impaired by adhering to it, to give up her just rights because the assertion may prove inconvenient. Her claims with respect to her seamen, though iniquitous in our eyes, we know to be sacred in her own, and her restrictions on our commerce are, in her own opinion, but necessary and equitable retaliations on her enemy.

But this measure is said to be impartial. If not the first, yet the greatest provocation came from France. Her decree issued at Berlin, if not the first, is yet the chief source of all this bitterness; that must be revoked before the embargo can be raised; that must be revoked before Great Britain will recede from measures, justified in her own eyes only by the existence of that decree, and the acquiescence of the neutral states in its tyrannical and ridiculous injunctions. But will the injury accruing to Great Britain from this embargo incline the French to do what will occasion its removal? The manifest and sole end of that decree was to extort similar measures from the pride and resentment of Britain, and thus embroil her with her friends; to produce an embargo in America, or measures still more hostile and injurious to her rival. The purpose is obtained, and she will suffer cheerfully a four-fold evil herself, in order to vex and embarrass Great Britain.

The impartial effects of the embargo are boasted. France and Great Britain will both be straitened and distressed by it. Here lies the irreparable evil, the invincible objection: the benefit of one is the evil of the other; the injury to France is the strongest reason why Britain should promote it; the injury to Britain is a powerful inducement for France to submit to it, to exert herself for its continuance.

But how small is the injury to France! How little is that potent state influenced by such effeminate, such remote considerations!

The councils of Napoleon must give way, it seems, to the passion of one in ten thousand of his subjects for sugar and coffee! Much heavier disadvantages have not deterred that ruler from the least of his ambitious projects; and much heavier evils have not exhausted the patience of his subjects; and what small space do the shattered fragments and poor remains of his colonies occupy in his eye! Yet these colonies are only incommoded and for a time impoverished, not lost or dismembered from his empire, by the suspension of their intercourse with the United States. Do not the French desire to foment a war between Britain and America; and would not such a war produce many of the consequences to

themselves which this embargo is said to produce? But at all events the French consider their decrees as extorted by a just resentment at the illegal claims and pretensions of Britain, which the interest and pride of that nation will not allow them ever to retract. France can hardly be expected to retread her footsteps, and pull down her laws, merely because America chuses to embargo her ships.

With regard to Spain, her weal or woe is well known to make no weight in these scales. Under the name of an ally, she is no more than the slave of France. It was not her supposed interest that drove her into this war, that caused her government to issue a prohibitory decree in imitation of that of her neighbour, that prompts her to pour half of her annual revenues into the coffers of France, to send her whole military force under French generals, to spill their blood among the woods of Lithuania or the bogs of Holstein. Her sufferings will form no inducement with the French to regulate their conduct by new principles, and certainly no motive with Great Britain for the relaxation of the smallest and most dubious of her rights.

The embargo is either harmless or injurious to the powers at war. If harmless, it loses the strongest plea urged by its advocates. If injurious, it cannot fail to excite the animosity of those whom it injures. Even those who bless it, because it injures their enemy more than themselves, will curse it, inasmuch as it hurts themselves, and seek vengeance against those who intended it to hurt them. An embargo is said to be a mere domestic regulation, in which foreign states have no right, nor ever betrayed an inclination to interfere: but an embargo of a fleet, or the arming of one, both equally domestic measures, are hostile or friendly, or indifferent to our neighbours, exactly according to the motives that dictated it, and the tendencies it displays. The present embargo is occasioned by a conduct in Great Britain and France, which is stigmatized as a violation of justice and national law. Has this no tendency to awaken displeasure or resentment in those states, who deem themselves righteous and just in all their deportment? When a solemn assertion of her rights, by Great Britain, respecting the service of her native subjects, is assigned as one cause of this measure; when its tendencies to impair the manufacturing wealth and naval vigour of that nation are mentioned as inducements to adopt it; will that government feel as strong an inclination to reconcile or make concessions, as if no vengeance had been meditated, and none of this indirect coercion been attempted? Impossible. The

difficulties of making an ample and suitable atonement for the outrage on the Chesapeake, even with the strongest inclination to make it, are sufficiently manifest; shall we studiously diminish that inclination, and multiply these difficulties, by adopting measures recommended expressly with a view of extorting concessions by the mischiefs these measures do to their manufactories and their navy?

Such were some of the arguments by which the embargo was attacked and vindicated. To enter more minutely into its history would be unsuitable to this occasion, as it must be considered as chiefly suggested by attacks and restrictions upon neutral commerce, disconnected with the conduct of the British commanders, in relation to the Chesapeake. It had probably no influence on the subsequent transactions connected with that violence, though that violence had some, though, doubtless, a very small share, in producing the embargo.

CHAPTER IX.

TWO events, which preceded the arrival of Mr. Rose in America, had considerable influence on the consequences of that event, and may be said, in a great measure, to have precluded any further prosecution of the controversy. The American minister had been charged to demand reparation and atonement for the outrage committed on the Chesapeake, and to make the restitution of the seamen taken from that ship, and the renunciation of all right to take seamen, of whatever nation, from merchant ships, indispensable parts of that atonement. Compliance with the first of these demands was rendered impossible by the conduct of the British admiral at Halifax. The seamen being retaken as deserters, were liable to trial as such, and to this trial they were accordingly brought without delay. Ware, Martin, and Strachan, being found guilty, were liable to a capital punishment, but were condemned to receive five hundred lashes, a punishment which death could hardly fail to ensue, and which, whether fatal or not, inflicts torments as cruel and protracted as any engine which ingenious cruelty has ever invented. This punishment, however, was remitted, and the culprits pardoned, while the fourth was condemned to death, and executed pursuant to his sentence.

With regard to the right of taking seamen from neutral vessels, whether of trade or war, a renunciation of which had been formally declared to be an indispensable condition of reconciliation, the British government thought proper, on the sixteenth of October, eighteen hundred and seven, to avow its resolutions in the most public, solemn, and irrevocable manner. By a proclamation, they declare, that since many natural-born subjects of Great Britain have been enticed into the service of the ships of foreign states, and since the maritime rights on which its power and greatness mainly depend* are disputed, it is necessary to require all such natural-born subjects to leave, forthwith, the foreign vessels in which they serve, and return home, or enter on board of any

* Diplomatic sincerity is frequently practised by the British ministers with more boldness than by any other state. On this occasion, necessity or self-preservation could not have been truly pleaded, and some would have hesitated to urge, on behalf of a disputed claim, the interests merely of national power and greatness.

British ship of war which they may chance to encounter, and to authorize all British ships of war to seize and take away any such seamen found on board a foreign vessel. In performing this service, naval commanders are charged to employ discreet officers, and to forbear all unnecessary violence. If such seamen are found on board a foreign ship of war, the commander must be peaceably required to surrender them. If he refuse, application must be made, without the least unnecessary delay, to the foreign government, or intelligence conveyed to the government at home, that redress may be duly sought against this unwarranted injury in a formal manner.

It further declares, that seamen are not discharged, by becoming citizens of a foreign state, of the allegiance incumbent upon natural-born subjects, and they, for entering on board of foreign ships, or voluntarily continuing in foreign service, after knowledge of this proclamation, shall be proceeded against for that contempt; and, if they thus enter or continue on board of vessels of a hostile state, they shall be deemed guilty of high treason.

By this proclamation the right was asserted, in a manner that left the asserter no possibility of recalling or explaining it: a right, the renunciation of which had been indispensibly required, as part of the atonement for the outrage on the Chesapeake. The controversy, therefore, was decided by it: the execution of one of the persons taken from the Chesapeake made it impossible to perform fully a branch of that atonement, in the restitution of the seamen, still more indispensable. How little hope could then be reasonably entertained that the mission of Mr. Rose could be of any advantage, or lead to a pacific issue.

This minister arrived in America on the twenty-fifth of December. The proclamation, forbidding intercourse between all British ships of war and the American people occasioned considerable obstructions and delays to the arrival of this minister at the seat of government. Mr. Madison, secretary of state, was appointed by the president to confer with him, and several conferences accordingly took place. It was immediately discovered, that the authority under which Mr. Rose acted was not only limited, agreeably to the intelligence conveyed in London by Mr. Canning to Mr. Monroe, to the mere affair of the Chesapeake, but was further circumscribed by another condition, and such as to bar all amicable settlement. He was expressly forbidden by his government to make any offer or proposal, with regard to the great subject

of complaint, as long as the proclamation of the president should be in force. This interdict must be recalled and annulled before he was at liberty even to enter on the consideration of that subject. The president at first refused to annul this proclamation, till the atonement was not only solemnly offered, but formally accepted, but, in order to elude this difficulty, he finally agreed to revoke his proclamation on the day of the date of the act, or treaty, by which reparation should be made for the recent violence. This concession, however, was built on two positive conditions: first, the terms of reparation which the minister was charged to offer must be previously made known, and, secondly, they must be such as by the president shall be accounted satisfactory. These preliminaries would be deemed a pledge that the British government would effectually provide against the recurrence of those injuries and insults which the proclamation was intended to prevent*. The British minister considered himself bound by his instructions still to require a revocation of this act, before any step whatever could be taken in the negotiation, and to confine that negotiation intirely to the attack upon the Chesapeake. Any previous violence, or complaints, it formed no part of his commission or duty to consider or compensate.

As the opposite views taken of this subject were unfolded in a short correspondence between the ministers, we are enabled to describe them, and, though the real motives among statesmen are generally withheld from public curiosity, or at most can only be suspected, it is of great importance to know by what argument they openly vindicate their measures.

On the twenty-sixth of January, eighteen hundred and eight, about a month after his arrival in America, Mr. Rose wrote a letter to Mr. Madison, which the latter was prevented by sickness from answering till the fifth of March. A reply was made by Mr. Rose, which closed the correspondence on the seventeenth of the same month.

Mr. Rose begins his first letter with declaring, that he cannot negotiate on the transaction between the frigates Leopard and Chesapeake till the president's proclamation of the

* Mr. Madison's terms are these: "He (the president) has authorized me, in the event of your disclosing the terms of reparation which you believe will be satisfactory, and on its appearing that they are, to consider this evidence of the justice of his Britannic majesty as a pledge for an effectual interposition with respect to all the abuses, against a recurrence of which the proclamation was meant to provide, and to proceed to concert with you a revocation of that act, bearing the same date with the act of reparation to which the United States are entitled."

second of July, then past, should be revoked. This conduct he then proceeds to attempt to justify, by insisting on the detriment and inconvenience which resulted from the proclamation to the military officers and diplomatic agents of Great Britain, and on the nature of that act, as amounting, in some degree, to avenging and redressing the injury by the American government itself. When redress and reparation was demanded from the injurer, it was evidently necessary to consider in what degree the injury was already avenged and redressed by the complaining party. Whether partly or wholly, it was indispensable and proper to take it into the account. But this act of vengeance and self-redress was of more importance, because it was maintained and upheld after the knowledge of the *early, unequivocal, and unsolicited* disavowal of an act not authorized, the disclaiming of the right to search ships of war for deserters, and the promise of effectual reparation. He then commented on the promptitude and expedition with which the British government had taken its conciliatory steps on this occasion. Of the reparation he had to offer, he declared his full conviction that it would be deemed fully satisfactory.

The proclamation being described by Mr. Madison as a measure of precaution, he affects to consider this precaution as merely relating to the taking of deserters by force from national ships; an evil from which he represents the British orders, issued on the sixteenth of October, as affording ample security. In separating the attack upon the Chesapeake from all former grievances, he pleads the superior importance of this event, and quotes an opinion to the same effect, as suggested by Mr. Monroe to Mr. Canning; and, since the British government disavows, and is willing to redress the greater grievance, it is but natural and reasonable to infer a willingness to atone for, or, at least, to discontinue the practice of the less, whence he argues that no precautionary edict was further necessary.

This letter suggests many obvious remarks to an impartial reader. It cannot but occur that the merit ascribed to the British government of a prompt, unequivocal, and unsolicited disavowal of this act, and of the right searching national ships, and the offer of atonement, is quite imaginary. Such conduct would, indeed, be quite inconsistent with the caution and craft to be always expected from ministers of state in any nation, and accordingly the acknowledgment here spoken of was only wrung from Mr. Canning by the earnest remon-

stances of Mr. Monroe*. No one can imagine that the British government will not accept the homage or submission of any state that chuses to offer it, or that any thing but the firmest resolution to withhold would induce that government to give up the right of searching ships of war, or any other right by which the glory or dominion of that state is enhanced.

The acknowledgment, therefore, was by no means prompt and unsolicited. That it was far from unequivocal, is evident from some clauses in the letter written in pursuance of a second remonstrance of the American ambassador †, in which the right of searching ships of war is virtually maintained, but only the exertion of it, through the impulse of convenience, forborne.

The proclamation may, without much violence, be considered as a partial redressing of the injury committed by the Leopard ‡: but the ambassador does not content himself with offering a satisfaction, limited and modified by that circumstance; with saying we will do thus much, and this, together with the means you have employed to redress yourselves, make up a sufficient satisfaction; but he insists that the

* The first letter of Canning to Monroe was couched in the following terms: "But whatever the real merits and character of the transaction may turn out to be, Mr. Canning could not forbear expressing without delay the sincere concern and sorrow *at its unfortunate result*, and assuring the American minister, both from himself and on behalf of his majesty's government, that *if* the British officers shall prove to have been culpable, the most prompt and effectual reparation shall be afforded to the government of the United States." It is truly surprising that this letter should ever be considered as an unequivocal disavowal of the act complained of. The second letter, on this subject, was manifestly extorted, but contains this passage: "His majesty does not hesitate in commanding me to assure you, that he neither does, nor at any time has maintained the pretension of a right to search ships of war, in the national service of any state, for deserters."

† "The right and the practice of which you are instructed to complain, as irreconcilable with justice, and intolerable in all their parts, have been exercised by Great Britain from the earliest ages of the British naval power, even *without any qualification or exception in favour of national ships of war*."

"The grounds on which such a distinction has been admitted in latter times, and on which, for the course of nearly a century, the crown *has forborne to instruct* the commanders of its ships of war to search foreign ships of war for deserters, I have already had the honour to explain to you, and you will have perceived that those grounds are wholly inapplicable to ships in the merchant service."

‡ This matter is put in as strong a light as possible by Mr. Canning. "The whole of the question arising out of that transaction is, in fact, no other than a question as to the amount of reparation due by his majesty for the unauthorized act of his officer; and you will, therefore, readily perceive that, in so far as the government of the United States

American government shall renounce this imperfect species of redress before any satisfaction is offered, assuring them, however, that, in his private opinion, the atonement he is charged to make will appear, in their eyes, quite satisfactory.

The weight to be allowed to this assurance is easily ascertained. The proper and adequate atonement for this violence included the restitution of the captives and the punishment of the officer. The restitution of the captives had not taken place. The death of one of them had rendered complete restitution impossible. No reasonable person could entertain a belief that the rest would be restored. The admiral had not yet been even brought to trial, though, had he committed any breach of the naval laws of his country, this would have been the immediate and spontaneous consequence. Every other kind of redress was merely a delusive shadow and unmeaning ceremony. Disavowals and acknowledgments, relative to rights and claims, however sincere and explicit, afforded merely grounds for expectations of the future. A promise of forbearance for the future cannot possibly be construed into redress or reparation for a past injury.

As Berkley was merely *not authorized* to attack the Chesapeake, in these circumstances, he committed no offence for which he could be judicially punished. Had his orders, agreeably to the terms of the subsequent proclamation, forbid him to commit a violence of this kind, he would have been liable to punishment; and if the American edict were merely intended to prevent the repetition of this injury, the British proclamation undoubtedly justified its revocation, by affording all the security which the nature of the case allowed. But how an edict, prohibiting the ingress and stay of British ships of war in American ports, could prevent, by its direct influence, the search of national ships on the ocean, is difficult to imagine. It only tended to prevent injuries within the territorial limit; injuries of which the British ambassador had been directed to avoid the discussion, and for which no apology of any kind had hitherto been either made or promised.

The reason given by Mr. Rose, for confining his mission to the single affray between the Leopard and the Chesapeake,

have thought proper to take that reparation into their own hands, and to resort to measures of retaliation, previously to any direct application to the British government, or to the British minister in America, for redress, in so far the British government is entitled to take such measures into account, and to consider them in the estimate of reparation which is acknowledged to have been originally due."

flows from the superior importance of this event, compared to the injuries formerly complained of. This reasoning can scarcely escape the imputation, from the coolest observers, of folly and presumption. America had suffered and complained of many injuries previous to this. This was acknowledged by all to be superior to the rest. Of this, therefore, they complained most heavily. The American minister at London acknowledged that this event was so much more important than the rest, in his first unauthorized letter to the British government on this subject, but, being speedily directed to combine all their injuries into one demand of satisfaction and atonement, and even to add to them the impressment of seamen from merchant vessels, he performed this duty without delay or ambiguity. When, therefore, a special minister was sent to America, directed not only to exclude the subject of impressment from merchant ships, but even every injury but that committed on the Chesapeake, they either meant a mere pageantry, intended and expected to end in nothing, or they expected that America would retract her most vehement assertions, and renounce her most solemn claims.

That the American government should consider a simple engagement not to repeat that species of violence committed on the Chesapeake* as ample security against the other injuries complained of, is a demand made by one whose masters were apprized that the American government would not be satisfied without full satisfaction, in the same act, for all these provocations, and had solemnly claimed this satisfaction. Yet, though fully apprized of this, they had dispatched a minister expressly charged to confine his attention, and the atonement he should offer, merely to the single injury.

* Mr. Rose says, "But if, upon this more recent and more weighty matter of discussion, upon which the proclamation mainly and materially rests, his majesty's amicable intentions are unequivocally evinced, it is sufficiently clear, that no hostile disposition can be supposed to exist on his part, nor can any views be attributed to his government, such as, requiring to be counteracted by measures of precaution, could be deduced from transactions which preceded that encounter."

CHAPTER X.

IT will now be proper to explain the answer given to this letter by the American secretary. In a letter, dated the fifth of March, eighteen hundred and eight, he begins with reviewing the chief occurrences which produced the proclamation of the second of July. The conduct of the captains Bradley and Whitby are particularly mentioned; the attack of a French ship on the American coast, and that of the frigate Chesapeake by the Leopard, are then recounted.

He next recounts the misconduct of the squadron to which the Leopard belonged, after that encounter, in remaining within the unquestionable territorial limits of these states, and bringing to, by firing at, vessels pursuing their regular course of trade; in threatening the country with hostilities; in approaching it in a hostile manner; and in actually obstructing the intercourse between different places, and thus subjecting the ports within his reach to a regular blockade. He then insists upon the seasonableness, equity, and moderation of the interdict issued in these circumstances.

In demanding a redress for these wrongs, by which things should be replaced in the same situation as before the outrage, the secretary pleads not only the obvious dictates of justice, but the conduct of the British government, in three important and well-known cases, where the injuries were inflicted on themselves. If precedents were of any inherent obligation in such cases, or if it were possible for either individuals or nations to treat others as they require to be treated themselves, some of the cases quoted by the secretary must be allowed to be apposite; but self-interest being the motive which produced the demand, and the consciousness of power to enforce it the motive for persisting in it, to urge them on this occasion could not, any wise, effect the end for which they were produced.

Mr. Madison next proceeds to vindicate the conduct of the president, in uniting the demand of an exemption from impressment of the crews of merchant ships, with that of redress for the outrage of the Leopard, by insisting, that the immunity of private, is, with certain well-known exceptions, as well established by national law, as that of public ships. The claim of the British government, to take those whom

their law denominates their own subjects from neutral vessels, is denied to be sanctioned by national law* ; he represents, as the motive for conjoining these subjects, the president's desire of seizing so favourable an occasion as the present for removing all causes of bickering and resentment between the two nations, and that the generosity of the conditions proposed would tend to reconcile the British government to a complete and radical settlement.

Notwithstanding these reasons for blending these subjects, the American government had finally consented to separate them, and to accept of a due reparation for the outrage on the Chesapeake alone ; but this obstacle being removed, by the moderation and forbearance of the injured party, another is unexpectedly created, by the demand that the proclamation shall be first revoked. To evince the impropriety of this demand, he maintains that the disavowal of Great Britain, with regard to the search of public ships, forms no part of the required reparation, but was due to her own sense of honour and consistency ; that a general promise to repair the wrong will not justify that return which is due to the reparation itself, and, indeed, conveys no confidence to those who may probably differ with the promiser as to what amounts to a just reparation. There is no example on a similar occasion where a minister's private opinion of the redress, of which he is the instrument, has been received by the adverse party as the foundation of their conduct, when the nature and extent of that redress have been concealed. There was less reason to rely on it on the present case, because, in the letter of Mr. Canning, announcing to Mr. Monroe the intended mission, there are tokens of terms and conditions to be offered, wholly unallowable.

He vindicates the proclamation, by ascribing it to a train of events, terminating with the attack upon the Chesapeake. Security against a recurrence of all of them is absolutely necessary to justify the revocation of an act, which rose, not out of one, but all ; but he denies that the greatest of those injuries is discontinued, since the retention of the seamen taken

* Mr. Madison is well versed in the law of nations ; he is fond of reasoning on the subject as a jurist, and is liberal of the technical terms, phrases, and distinctions that belong to it. Unfortunately for us, we can oppose Great Britain with no other arms than those of a logic altogether nugatory and inefficacious. The powerful may listen to such arguments with an affected gravity, and even deign to answer them, and the nature of this science will always enable them to do this speciously, but their interest will still guide them with as much force, as if it were the only avowed impulse.

from the American frigate can only be deemed a continuance or aggravation of the injury. Finally, however, he agrees that the proclamation shall be revoked on the same day on which the act of reparation is dated, provided the president is previously made acquainted with the terms of this redress, and approves of them; and this reparation for a single injury will be taken as a pledge that all the other injuries complained of will be effectually prevented.

CHAPTER XI.

TO this letter Mr. Rose replied on the seventeenth of March, in which he declares himself unable to depart, in the smallest degree, from his instructions. By these instructions he was bound to demand the recal of the proclamation, as an indispensable preliminary to further discussion. That interdict he continues to deem either a temporary redress of the wrong complained of, or a measure employed to compel the grant of such redress from Great Britain. As the first, it precludes the necessity of any other atonement; as the latter, it prevents reconciliation, because it is beneath the dignity of his government to act upon compulsion. He then takes a short review of the transactions which gave occasion to his mission, with a view to justify the conduct he is directed to pursue.

He dwells upon the promptitude with which the British government disavowed the right of search of public armed ships, and promised reparation, notwithstanding the hostile conduct of America, by which the attack upon the Chesapeake was provoked*; the surprise and displeasure reasonably excited by intelligence of the president's interdict; by the silence of the American minister, when applied to, on this head; and by the conduct of that minister in combining, with this occasion of complaint, the unwarrantable claims previously urged and rejected. He dwells upon the persuasion of his government, that the simple disavowal, already so often mentioned, required the recal of the interdict; and that its continuance, notwithstanding the upright procedure of his government, could only be ascribed to a spirit of wanton hostility. In this part of his letter he pays no regard to the distinction, so carefully drawn and so earnestly insisted on by Mr. Madison, that this interdict was produced by many wrongs, of which the British government had offered to redress only the last. Neither does he any where notice that the last wrong had not been discontinued, but that, after this boasted disavowal, the seamen taken were retained or exe-

* He here forbears to call it an *unsolicited* disavowal, but only one conveyed to the American minister before he had made any representation, *by order of his government*. It was, nevertheless extorted by a representation of the most earnest and arbitrary nature.

cuted ; but he affirms that no retaliating measures ought to have been employed from the beginning. Having been taken, they ought to be annulled, to justify the injured party in demanding redress from the injurer. This interdict he continues to view as suggested merely by the outrage on the Chesapeake ; and as either a species of reparation for that wrong only ; or a means of compelling the injurer to redress that wrong only ; or as a measure of precaution against that wrong only. Considered in either of the two first lights, he accounts the simple disavowal of his government, of any right to search public vessels for deserters, as removing the occasion of it. Considered in the third point of view, the same disavowal affords ample security against the repetition of the wrong.

With regard to the conduct of the British squadron after the attack upon the Chesapeake, he resolves it all into a justifiable precaution against the hostility which seemed to menace them. After that apprehension was removed, no improper acts, he says, have been imputed to them. They studiously acquiesced in the refusal of supplies, though great inconveniences accrued to them on that account. Their remaining in the American waters is described as " necessitated by the circumstances of the war ;" and, so far from warding off the inferences drawn by the secretary from this contempt of the proclamation, he plainly insinuates that, had they departed in obedience to the interdict, sufficient cause of war would have been afforded to Great Britain.

He next attempts to justify the consideration of the interdict, as occasioned solely by the affray with the Chesapeake. He refers to the time and circumstances in which it was issued, and the spirit of its prohibitions. He censures the hostile spirit which it breathes, and which he considers as by no means warranted by, or proportioned to, what " was known to be an unauthorized offence*." If it really flowed from prior transgressions, the American government should have explained this circumstance to the British, in London, when a special mission to America was first proposed, and should have deigned to make some reply to the remonstrance against it, presented by the resident ambassador, Mr. Erskine. He again refers to the acknowledgment of Mr. Monroe, in a letter to Mr. Canning, of the impropriety of

* It was not known, when the proclamation was issued, to be unauthorized. It has since been declared by the British minister, while this declaration is by no means supported by the subsequent conduct of that government towards its officers, and the seamen taken from the Chesapeake.

mingling any other matter with that of the Chesapeake, as confirming his government in the opinion that the proclamation truly and properly referred to no other matter, whence it happened that he came unfurnished by such documents and testimonies as could qualify him for discussing other matters. He insinuates, however, that his personal knowledge of some of the transactions complained of, would enable him, on a suitable occasion, to place these matters in a light by no means so disadvantageous to Great Britain. To strengthen this view, he again appeals to the acknowledgment of Mr. Monroe, that the differences between the two nations "were in a train of adjustment."

To warrant the separation of the question concerning the impressment of seamen from one connected with the Chesapeake, he dwells upon the difficulties that have hitherto embarrassed the former subject*, and the clearness and simplicity of the latter. Since the latter can be easily settled, it is proper to do so, while the former remains wholly unaffected by that settlement, and may be left on the former footing; a footing not incompatible, as experience had evinced, with the continuance of peace and friendship.

To vindicate himself from a charge implied in a passage of Mr. Madison's letter, that he started objections and raised obstacles in disingenuous succession, he reminds the secretary that the recal of the interdict was stated as a necessary preliminary, before the president had consented to separate the consideration of the attack of the Chesapeake from that of the general impressment from trading vessels.

Thus closed this momentous controversy. The British minister refused to offer, or even to mention the redress of which he was the bearer, till the American proclamation was recalled. The American secretary refused to recal this pro-

* It will be amusing, and will evince the futility, as to practical consequences, of all debates upon the tenor of national law, to place in contrast the opposite pleas of the minister and secretary on this occasion. Mr. Rose maintains, that "universal law gives to every state the right of requiring the aid and assistance of her native citizens. In pursuance of this principle, Great Britain may rightfully enforce her claim to the service of her natural-born subjects, found on board merchant vessels of other nations. She has always asserted this right, and enforced it when convenient to herself."

Mr. Madison affirms, on the other hand, that, "by the national law, one state has no right to molest the trading ships of another, unless the latter are detected in conveying to an enemy of the former *contraband of war*, or on supplying a *blockaded port*. The right alleged by Great Britain flows only from her municipal law, and implies this manifest injustice and absurdity, that a nation may rightfully execute its own laws on board of foreign ships not within its territorial limits."

clamation till the reparation was offered and accepted. That edict was considered by the former as occasioned solely by the attack on the Chesapeake, and proper, therefore, to be cancelled on a simple disavowal of the act by the British government. It was represented by the latter as rising from a long series of unredressed injuries, and proper, therefore, to be enforced till all these injuries were redressed, or adequate security obtained that they would not be iterated. The mere disavowal was denied to be an adequate security against the recurrence even of violences similar to that committed on the Chesapeake, because that outrage was still continued by the treatment of the prisoners.

Different judgments were formed of this catastrophe, as men were influenced by factious or by national biases, and even appeared in very different lights to different men, whose integrity was unimpeachable. It is easily perceived, by the most impartial, that the whole was matter of punctilio. That the British government should be powerfully affected by the provocations that preceded the attack of the Chesapeake, and the injuries that accrued from the interdict, as well as by the reproaches and invectives it contained, was unavoidable, because the case was their own. For the same reason they could not consider the attack of the Chesapeake as a matter of much consequence, because they were the assailants, and their power was signalized by executing it.

America, on the contrary, could not fail to be deeply irritated by the injuries and humiliations she herself had suffered, and could not be made to comprehend how the insults of her citizens, or the invectives of her statesmen could disturb the tranquillity of the injurer, whose own injustice had incurred them.

Viewed through the medium of self-love, the indignity and injury accruing to Great Britain from the president's interdict formed a sufficient, or more than sufficient compensation for the injury complained of. Had it been fully executed by the compulsory departure of the British squadron, ample cause of war would doubtless be considered as having been given; and to be satisfied with merely the recal of this interdict, on the disavowal of the conduct of the *Leopard*, appeared unavoidably to the British government as an illustrious proof of moderation and forbearance in a powerful nation to a weaker.

That the proclamation was occasioned by the attack of the Chesapeake is undeniable. Whether it was occasioned by this alone is of no consequence, since without this it would not

nave been issued. Therefore, to annihilate this by reparation or atonement is to place matters in the state in which they were before its occurrence : a state in which no such interdict was thought of. The previous injuries may be admitted to be real and atrocious, but they were not sufficient, without the assistance of the last violence, to produce this interdict. This, therefore, being subtracted, they were left to operate by their own weight. Though Mr. Madison professed himself willing to accept of reparation for the outrage on the Chesapeake as a pledge or security against the repetition of previous wrongs, and though Mr. Rose refused to give, expressly or by implication, any such pledge, yet there is no doubt that, if other obstacles had been overcome, this would have been easily surmounted.

With regard to the order of time in which the reparation should be made and the interdict annulled, it is manifest that this was matter merely of punctilio. The revocation, as to its practical effects, would be to both parties merely nominal. The interval between this act and the acceptance or refusal of the tendered compensation must necessarily have been very brief. If the tendered recompense were accepted, the revocation would follow of course. If it were deemed unsatisfactory, and in consequence declined, the edict might have been instantly revived. It is therefore to be considered how far true dignity required the American government to sacrifice the show to the substance ; to give way in a point of mere punctilio.

But had these obstacles been set aside, what reparation had the British government to offer ? Could America have been satisfied with less than the restitution of the surviving seamen taken from the Chesapeake ? Would the British government have failed to annex severe and humiliating conditions, with regard to the surrender of British subjects, when demanded even from ships of war ? As, therefore, the conditions annexed to the treaty by America would never have been complied with by Great Britain, and those annexed to it by Great Britain would never have obtained the acquiescence of America, an amicable issue to this debate was entirely hopeless ; punctilio would have been sacrificed by either party in vain ; nor can it be of any material consequence whether the negotiation stopped at the second step or the third*.

* We may observe that the English diplomatic style of the present age is remarkably distinguished by prolix and intricate sentences, and eminently wanting in that perspicuity, resulting from a proper choice of

terms, and from the accuracy of grammatical arrangement, which so intricate a model doubly requires. A great many new words have likewise been added to the dictionary. It is pervaded by a caution and forbearance, by a ceremonious politeness, which, though otherwise beneficial, abstracts greatly from the force of the reasoning. The appearance of the utmost respect, personal and national, is carefully supported; each professes to feel the utmost regret at the necessity of proving his adversary in the wrong, and the most vehement desire to heal their mutual dissensions. This temper is favourable to national harmony, and is honourable to the present age.

AN ABSTRACT
OF THE
LAWS AND PUBLIC ACTS
PASSED IN
THE SECOND SESSION
OF THE
TENTH CONGRESS OF THE UNITED STATES,
BETWEEN OCTOBER 26, 1807, AND MARCH 4, 1808.

THE SECOND SESSION

OF THE

CONFERENCE

ON

THE

REVISION

OF THE

ABSTRACT
OF THE
LAWS IMPOSING AN EMBARGO
ON THE
SHIPPING OF THE UNITED STATES.

PASSED BETWEEN DECEMBER 22, 1807, AND APRIL 25, 1808.

AN embargo is laid on all vessels within the jurisdiction of the United States, cleared or not cleared, bound to any foreign place. No clearance shall be furnished to any such vessel, except under the immediate direction of the president, and the president is authorized to instruct the officers of the revenue, and of the navy and revenue cutters, so as shall appear best adapted for effecting the same. This prohibition shall not extend to any foreign vessel, in ballast or with the goods and merchandize on board when notified of this act.

No registered or sea-letter vessel, having on board goods, shall depart from one port of the United States to any other, unless the master, owner, or factor shall first give bond, with one or more sureties, to the collector of the district from which she departs, in double the value of the vessel and cargo, that the said goods shall be re-landed in some port of the United States, dangers of the seas excepted, which bond, and also a certificate from the collector where the same may be re-landed, shall, by the collector respectively, be transmitted to the secretary of the treasury. All armed vessels possessing public commissions from any foreign power are not liable to this embargo.

During the continuance of the embargo, no vessel licensed for the coasting trade shall depart from any port of the United States, or receive a clearance, till the owner, consignee, or factor shall, with the master, give bond, with one or more sureties, in double the value of vessel and cargo, that she shall not proceed to any foreign place, and that the cargo be re-landed in the United States.

The owner of all vessels licensed for fisheries, or those bound on a whaling voyage, and having no other cargo than sea-stores, salt, and the usual fishing tackling, shall give a general bond, in four times the value of the vessel and cargo, that they will not proceed to any foreign place, and will return with their fishing fare to the United States. Any licensed vessel, whose employment has uniformly been confined to rivers, bays, and sounds within the jurisdiction of the United States, may give bond, in a sum equal to three hundred

dollars for each ton, that she shall not be employed in any foreign trade during the time mentioned in the bond.

If any vessel shall depart from the United States without a clearance or permit, or shall proceed to a foreign place, or trade with or put on board of any other vessel any goods, such vessels and goods shall be forfeited, and, if the same shall not be seized, the owner or factor shall forfeit a sum double the value of the ship and cargo, and never be allowed a credit for duties on any goods imported by him into the United States, and the master of such vessel, as well as all persons knowingly concerned in such prohibited voyage, shall each forfeit not more than 20,000, nor less than 1000 dollars, whether the vessel be seized and condemned or not; and the oath or affirmation of any master thus knowingly offending, shall never hereafter be admitted by any collector.

The exception above made in favour of foreign armed vessels shall apply only to public armed vessels, and not embrace either privateers, letters of marque, or any private armed vessels; but such may depart in the same manner as other private foreign vessels.

If any foreign vessel shall take on board any specie or goods other than necessary provisions and sea stores, such vessel, specie, and cargo shall be forfeited; and every person concerned shall forfeit not more than 20,000, nor less than 1000 dollars.

All penalties and forfeitures thus incurred shall be sued for, recovered, distributed, and accounted for as prescribed by the act to regulate the collection of duties on imports and tonnage, and may be mitigated or remitted as prescribed by the act to provide for mitigating or remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned.

The time of the embargo shall not make part of the term of twelve months during which goods imported must be re-exported to be entitled to drawback.

During the continuance of the embargo, no vessel of any kind whatever, owned by citizens of the United States, and which is neither registered, licensed, nor possessed of a sea-letter, shall depart from the United States, or receive a clearance; nor shall any foreign vessel depart with a cargo destined for another port of the United States, or receive a clearance for that purpose, till the owner or factor shall, with the master, give bond, with one or more sureties, in case of a vessel owned by citizens of the United States, in double the value of vessel and cargo, and in that of a foreign vessel four times the value of vessel and cargo, that she shall not proceed to any foreign place, and that the cargo shall be relanded in the United States. But in the case of any American vessel uniformly employed in rivers, bays, sounds, and lakes, within the jurisdiction of the United States, to give bond in 200 dollars for each ton of the said vessel, that she shall not be employed in any foreign trade during the time limited in the condition of the bond.

No bond shall be required of boats not masted, or, if masted, not being decked, regularly employed in rivers, bays, and sounds, within the jurisdiction of the United States, and lying within districts not

adjacent to the territories of a foreign nation, whether such boats be licensed or not, and unless, in the opinion of the secretary of the treasury, such bond be necessary; and, if the secretary shall deem such bond necessary, the owner of the boat shall give bond in thirty dollars for each ton of said boat, with condition that she shall not be employed in any foreign trade during the continuance of the embargo.

Where a bond is given under this act, or under the embargo law or its supplements, with condition that certain goods, or the cargo of a vessel, shall be relanded in the United States, the party shall, within four months after the date, produce to the collector of the port from which the vessel had been cleared, a certificate of the relanding of the same from the collector of the proper port; otherwise the bond shall be put in suit, and judgment given against the defendant, unless proof be produced of such relanding, or of loss by sea, or other unavoidable accident.

Goods of any kind shall not be exported from the United States; and if any shall, during the embargo, be so exported, the vessel, waggon, or carriage, in which the same shall be exported, with the tackle and horses, shall be forfeited, and the owner, and every person knowingly concerned, shall forfeit not more than 10,000 dollars. But foreign vessels may depart from the United States with the cargo on board when notified of the embargo; and foreign vessels may furnish themselves with necessary provisions; and fishing vessels may depart with sea stores, salt, and their usual fishing tackle, in the manner prescribed by former acts.

On the return into the United States of any fishing vessel, such as described in the supplement to the embargo law, having sailed subsequent to the enactment of the last-mentioned acts, the master and mate shall declare, on oath or affirmation, before the collector, whether any part of the fishing fare has been sold during the voyage, and, failing this, shall each forfeit 100 dollars. But this oath may be dispensed with, so far as relates to the fishery on our own coasts, in the customary small vessels.

All penalties and forfeitures under this act shall be sued for, and accounted for, in the manner prescribed by the existing acts regulating the customs.

The president is authorized, if satisfied by a statement on oath or affirmation of any citizen, and such proof as the nature of the case admits, or the president may require, that he has property of value in any place without the jurisdiction of the United States, arising from property actually without such jurisdiction prior to the 22d of December, 1807, to grant permission to dispatch a vessel in ballast, for importing into the United States such property. But bond, with sufficient security, must be given, under the direction of the secretary of the treasury, in such a sum as he shall deem necessary, conditioned, that such vessel shall not export from the United States any specie or goods, necessary provisions excepted, that she shall return (reasonable time being allowed for the voyage) to the United States with such property, and that she shall not during the voyage, either directly or indirectly, be engaged in any traffic or employment, and

that no goods shall be imported in such vessel but the property for which she obtained such permission, or the proceeds of property shipped bona fide by a citizen of the United States prior to the said 22d of December. The bond shall not be cancelled, unless the secretary of the treasury be satisfied, either by the oath of the party to the same, or such proof as the nature of the case admits, that the conditions have been complied with. The owner, or master, or mate of such vessel shall, on her return, make oath that she has not, during her voyage, directly or indirectly, been employed in any manner contrary to such bond.

In case of peace or suspension of hostilities between the belligerent powers of Europe, or of such changes in their measures affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the president, he is authorized, during the recess of congress, to suspend, in whole or in part, the embargo and the several acts supplementary, with such exceptions, and on such bond and security being given, as the public interest and circumstances of the case may appear to require. But such suspension shall not extend beyond twenty days after the next meeting of congress.

During the continuance of the embargo, no vessel of any kind, and wherever bound, whose employment is confined to the navigation of bays, sounds, rivers, and lakes within the jurisdiction of the United States (packets, ferry-boats, and vessels exempted from the obligation of giving any bond whatever only excepted) shall be allowed to depart from the United States, without having previously obtained a clearance, nor till the master shall have delivered to the collector or surveyor of the port of departure, a manifest of the whole cargo on board. And the owners, agents, or master of every such vessel shall produce, within two months thereafter, to the collector of the district from which the vessel departed, a certificate of the landing of the whole in a port of the United States, within the bay, sound, rivers, or lakes, to which the navigation of such vessel is confined, signed by the collector or surveyor of the port where the cargo shall have been landed.

During the continuance of the embargo act, and of the supplementary acts, no vessel of any kind whatever, other than those described in the next section, and wherever bound, shall receive a clearance, unless the lading shall be made hereafter under the inspection of the proper revenue officers, subject to the same restrictions as are provided by law for the inspection of goods imported into the United States, on which duties are imposed; but these provisions shall not affect vessels laden in whole or in part on the receipt of this act by the respective collectors.

If any vessel thus described shall depart from any district of the United States, without a clearance, or before the manifest of the cargo shall have been delivered to the collector or surveyor, in the manner herein prohibited, or if a certificate of the landing of the cargo shall not be produced within the time and in the manner herein provided, such vessel and cargo shall be forfeited, and the owner, factor,

or master shall respectively forfeit not more than 5000, nor less than 1000 dollars: but these provisions shall not prevent the recovery of the penalty on the bond given for such vessel.

During the continuance of the embargo, the person having charge of any vessel, flat, or boat intended to enter that part of the river Mississippi, which lies between the southern boundary of the Mississippi territory and the river Iberville, if going down the said river, shall stop at fort Adams, and, if going up the river, at Iberville, and at each place, as the case may be, deliver to an inspector of the revenue, stationed there for that purpose, a manifest of the whole cargo on board, and also produce to the same officer, within two months after, if going down the river, and within six months after if going up the river, a certificate of the landing of the same in some part of the district of Mississippi, and within the jurisdiction of the United States, which certificate shall be signed by the collector or one of the surveyors of the district of Mississippi; or if the cargo shall be landed more than thirty miles from the place of residence of any such officer, by a state or territorial judge, having jurisdiction at the place of such landing.

If any vessel, flat, or boat shall enter that part of the river Mississippi, without stopping and delivering a manifest as aforesaid, or if a certificate of the landing of the cargo shall not be produced within such time, and in such manner, such vessel and cargo shall be forfeited, and the owner, agent, or master forfeit not more than 5000, nor less than 1000 dollars.

No vessel having any cargo on board, shall, during the continuance of the embargo, depart from any port of the United States, for any other port of the United States, adjacent to the territories of a foreign nation; nor shall any clearance be furnished to any vessel so bound, without special permission of the president. And if any vessel shall, contrary to these provisions, proceed to any port adjacent to the territories of a foreign nation, such vessel, with her cargo, shall be forfeited; and if the same shall not be seized, the owner shall forfeit double the value of ship and cargo; and the master, as well as all other persons knowingly concerned in such prohibited voyage, shall each forfeit not more than 3000, nor less than 500 dollars, whether the vessel be seized or not.

The commanders of the public armed vessels, revenue cutters, and revenue boats shall stop and examine any vessel belonging to any citizen of the United States, either on the high seas, or within the jurisdiction of the United States, or any foreign vessel within the jurisdiction of the United States, which there may be reason to suspect to be engaged in any traffic contrary to these provisions, or the act laying an embargo, with its supplements; and if, on examination, such vessel shall appear to be thus engaged, the commander shall seize her, and send her to the nearest port of the United States for trial.

The comptroller of the treasury shall remit the duties accruing on the importation of goods of domestic produce, or which, being of foreign produce, had been exported without receiving a drawback, which may have been, or may be re-imported in vessels owned by citi-

zens of the United States, and which having sailed subsequent to the 1st day of October, and prior to the 22d of December, 1807, may be stopped on the high seas by foreign armed vessels, and by reason thereof have returned, or may hereafter return into the United States. And the comptroller shall direct the exportation bonds given for foreign merchandize, exported with privilege of drawback in such vessel, and re-imported in the same, in the manner aforesaid, to be cancelled, the duties on such re-importation being previously paid, and on such other conditions as may be necessary for the security of the revenue.

During the continuance of the embargo, no foreign vessel shall go from one port in the United States to another; and should any foreign vessel thus go, she, with her cargo, shall be forfeited, and the owner and master shall forfeit not more than 3000, nor less than 1000 dollars.

No vessel comprehended in this act shall be obliged to pay more than twenty cents for each clearance.

The collectors shall detain any vessel ostensibly bound with a cargo to some other port of the United States, whenever in their opinions the intention is to violate or evade the embargo, till the decision of the president be had thereon.

If any unusual deposits of provisions, lumber, or other articles of domestic growth or manufacture shall be made in any port of the United States, adjacent to the territories of a foreign nation, the collector of the district shall take the same in his custody, and not permit them to be removed, till bond with sufficient sureties shall be given for the delivery of the same in some place of the United States.

Any vessel owned by a citizen of the United States, loaded, or in part loaded, with the produce of the United States before the embargo was laid, and detained by it in any port of the United States, may proceed to any other port of the United States, and there remain with such cargo on board, subject to such restrictions and bonds as are prescribed in the act laying an embargo, and the several supplements.

All penalties and forfeitures, incurred by force of this act, may be mitigated and remitted, as prescribed by the act to provide for mitigating and remitting the forfeitures, penalties, and disabilities accruing in certain cases therein mentioned; and all penalties recovered in consequence of any seizure made by the commander of any public armed vessel, shall be distributed as prescribed by the act for the government of the navy of the United States, and all other penalties shall be distributed as prescribed by the act to regulate the collection of duties on imports and tonnage.

Nothing in the act laying an embargo, or its supplements, or in the act to prohibit the importation of certain goods, shall prevent the exportation, by land or inland navigation, from the United States into those of Great Britain, of furs and peltries, the property of subjects of Great Britain, and by them purchased from the Indians, or to prevent the importation, by land or inland navigation, from the territories of Great Britain into those of the United States, of merchandize the property of British subjects, and by them imported solely for the use of the Indians.

ABSTRACT

OF THE

LAWS AND PUBLIC ACTS*.

I. FOR the expences of the navy during 1807, the following sums, in addition to former sums, are appropriated:

For the pay and subsistence of the officers, and pay of the seamen, 74,754 dollars and 29 cents;

For provisions, 31,468 dollars, and 15 cents;

For repairs of vessels, 142,884 dollars, and 61 cents;

For pay and subsistence of the marine corps, 18,500 dollars;

For cloathing for the same, 10,139 dollars, and 42 cents;

For medicines and hospital stores, 1,263 dollars, and 40 cents;

For ordnance and military stores, 310,554 dollars, and 60 cents;

For timber for the navy, 87,500 dollars.

II. Each of the secretaries of the Mississippi, Indiana, Louisiana, and Michigan territories, shall receive salaries of 1000 dollars each, to commence January 1st, 1808.

III. The president is authorized to cause to be built or purchased, armed, and equipped, 188 gun-boats, for the better protection of the ports of the United States, and such purposes as in his opinion the public service may require: 852,500 dollars is applied to this purpose.

IV. The president is authorized to cause such of the fortifications heretofore built or commenced, as he may deem necessary, to be repaired or completed, and such to be erected as will afford more effectual protection to our ports, and preserve therein the respect due to public authority; and 1,000,000 dollars, in addition to former sums, is appropriated for that purpose.

V. Every free white male in the Mississippi territory, having been a citizen of the United States, and resident in the territory one year next preceding an election of representatives, and who has a legal or

* Those concerning the embargo are published together in the foregoing pages.

equitable title to a tract of land, or may become the purchaser of any tract amounting to 50 acres, or who may hold in his own right a town lot worth 100 dollars within the territory, shall be entitled to vote for representatives to the general assembly of the territory.

The general assembly of the territory shall have power to apportion the representatives of the several counties according to the number of free white males above 21 years; so that there be not more than 12, nor less than 10 representatives in all, till there shall be 6000 free males of full age in the territory; after which, the number of representatives shall be regulated agreeably to the ordinance for the government thereof.

The citizens of the territory, entitled to vote for representatives to the general assembly, shall, at the time of such voting, also elect one delegate to the congress of the United States, who shall possess the same powers as the delegates from the several territories of the United States.

VI. Every person, and the legal representative of every person, who, being either the head of a family, or above the age of 21, and who, on the 3d of March, 1807, inhabited and cultivated a tract not claimed by a certificate of the commissioners east and west of the Pearl river, in the Mississippi territory, and who has obtained permission to remain on such tract, agreeably to an act to prevent settlements being made on lands ceded to the United States, till authorized by law, shall be preferred as a purchaser of such tract at the price of the other lands in the said territory, and payment may be made as is directed by law for such other lands: but such tract shall not exceed one section, and the same shall be surveyed agreeably to the sectional lines already established, or hereafter to be established by the surveyor.

Every person claiming a tract under this act, shall, before the 1st of October, 1808, deliver to the register of the land office, within whose district the land may be, a notice of his claim, in writing, together with a plan of the tract claimed; and if any person shall fail to do this, they shall forfeit all claim to such tract, and the same shall be sold with the other public lands in the territory.

Persons entitled to this pre-emption, shall be allowed till the 1st of January, 1809, to make the first payment of the purchase money, and the residue shall be paid as is directed for the other lands in the territory.

VII. The 1st section of the act further to protect the commerce and seamen of the United States against the Barbary powers, shall be in force till the 1st of January, 1809; but the additional duty laid by the said section shall be collected on all goods, liable to the same, imported previous to that day.

VIII. The accounting officers of the treasury shall settle the accounts of all who may have claims against the United States, for expences incurred in the inquiry into the conduct, and in the impeachment of Samuel Chase, which may have been authorized by the committee of inquiry, or the managers of the said impeachment: but the said accounts shall be first certified by the chairman of the said committee, or managers.

IX. An act of the 20th of February, 1804, for continuing for a limited time the salaries of the officers of government therein mentioned, shall be in force for three years, and to the end of the next session of congress thereafter.

X. The secretary of the treasury is authorized to cause a light-house to be erected on point Judith, in Rhode Island, and to appoint the keeper of it, under the direction of the president, and otherwise to provide for it at the expence of the United States, if sufficient land for such light-house can be obtained, at a reasonable price, and the legislature of Rhode Island shall cede the jurisdiction over the same to the United States. And five thousand dollars is appropriated for defraying the expence thereof.

The secretary of the treasury shall cause the light-house to be so constructed, that the light, on being discovered, may with certainty be distinguished from that of other light-houses heretofore erected in its neighbourhood.

XI. For the civil list in 1808, including the contingent expences of the several departments and offices ; for the compensation of the several loan officers and their clerks, and for books and stationary for the same ; for the payment of annuities and grants ; for the support of the mint establishment ; for the expences of intercourse with foreign nations ; for the support of light-houses, beacons, buoys, and public piers ; for defraying the expences of surveying the public lands, and for satisfying certain miscellaneous claims, the following sums are appropriated :

To the senate and house of representatives, their officers and attendants, estimated for a session of four months and a half continuance, 201,425 dollars ;

For fire-wood, stationary, printing, and other contingent expences of congress, 29,200 dollars ;

For the library of congress, and the librarian's allowance, for 1808, 800 dollars ;

To the president and vice-president, 30,000 dollars ;

To the secretary of state, and his officers, 13,000 dollars ;

For incidental expences of that department, 4200 dollars ;

For printing and distributing copies of the laws of the first session of the tenth congress, and printing the laws in newspapers, 8250 dollars ;

To special messengers charged with dispatches, 2000 dollars ;

To the secretary of the treasury, and his officers, 16,700 dollars ;

For translating foreign languages, to the person employed in receiving and transmitting passports and sea letters, stationary and printing, 1000 dollars ;

To the comptroller of the treasury, and his officers, 12,977 dollars ;

For incidental expences of his office, 800 dollars ;

To the auditor of the treasury, and his officers, 12,221 dollars ;

For incidental expences in his office, 500 dollars ;

To the treasurer, and his officers, 6,227 dollars, and 45 cents ;

For incidental expences in his office, 300 dollars ;

To the register of the treasury, and his officers, 16,052 dollars and 2 cents;

For stationary and printing in his office, including books for the public stocks, and for the arrangement of the marine papers, 2800 dollars;

For books, maps, and charts, for the use of the treasury department, 400 dollars;

For fuel and contingent expences of the treasury department, 4000 dollars;

For the expences of stating and printing the public accounts for 1808, 1200 dollars;

To a superintendant employed to secure the buildings and records of the treasury during 1808, including the expence of two watchmen, and the repair of two fire engines, buckets, lanterns, and other incidental expences, 1100 dollars;

To the secretary of the commissioners of the sinking fund, 250 dollars;

To the secretary of war, and his officers, 11,250 dollars;

For fuel, stationary, printing, and contingent expences in his office, 1000 dollars;

To the accountant of the war department, and his officers, 10,910 dollars;

For contingent expences in the office of the accountant of the war department, 1000 dollars;

To clerks in the pay-master's office, 1800 dollars;

For fuel in the said office, 90 dollars;

To the purveyor of public supplies, and his officers, and for stationary, store rent, and fuel, 4,600 dollars;

To the secretary of the navy, and his officers, 9810 dollars;

For fuel, stationary, printing, and other contingent expences in his office, 2000 dollars;

To the accountant of the navy, and his officers, 10,410 dollars;

For contingent expences in his office, 500 dollars;

To the post-master-general, to the assistant post-master-general, clerks, and the post-master-general's officers, 16,000 dollars;

For fuel, candles, house-rent for the messenger, stationary, chests, &c., 2500 dollars;

To the several loan officers, 13,250 dollars;

To the clerks of the several commissioners of loans, and for allowance to certain loan officers in lieu of clerk hire, and to defray the authorized expences of the several loan offices, 15,000 dollars;

To the surveyor-general, and his clerks, 3200 dollars;

To the surveyor of lands south of Tennessee, his clerks, stationary, and other contingencies, 3200 dollars;

To the officers of the mint:

The director, 2000 dollars;

The treasurer, 1200 dollars;

The assayer, 1500 dollars;

The chief coiner, 1500 dollars;

The melter and refiner, 1500 dollars;

The engraver, 1200 dollars ;

One clerk, 700 dollars ;

And two clerks, 500 dollars each ;

To persons in the different branches of melting, coining, carpenter's, mill-wright's, and smith's work, including 1000 dollars per annum, allowed to an assistant coiner and die forger, who also oversees the execution of the iron-works, 8050 dollars ;

For repairs of furnaces, cost of rollers and screws, timber, bar-iron, lead, steel, pot-ash, and other contingencies of the mint, 2850 dollars ;

To the governor, judges, and secretary of the territory of Orleans, 13,000 dollars ;

For expences of the executive officers of the said territory, and for express hire and compensation of an Indian interpreter, 2850 dollars ;

To the governor, judges, and secretary of the Mississippi territory, including additional allowance to the judges for 1807, 9400 dollars ;

For stationary, office rent, and other expences in said territory, including a deficiency in the appropriation for these objects, in the year 1807, 650 dollars ;

To the governor, judges, and secretary of the Indiana territory, including additional allowance to the judges for 1807, 7800 dollars ;

For stationary, office rent, and other expences of said territory, 350 dollars ;

To the governor, judges, and secretary of the Michigan territory, including additional allowance to the judges for 1807, 7,800 dollars ;

For stationary, office rent, and other expences of the said territory, 350 dollars ;

To the governor, judges, and secretary of the Louisiana territory, including additional allowance to the judges for 1807, 7,800 dollars ;

For stationary, office rent, and other expences of the said territory, 350 dollars ;

For the discharge of such demands against the United States, on account of the civil department, not otherwise provided for, admitted at the treasury, 2000 dollars ;

For additional allowance to the clerks of the several departments of state, treasury, war, and navy, and of the general post-office, not exceeding for each department respectively fifteen per cent. in addition to the sums allowed by the act to regulate and fix the compensation of clerks, and to authorize the laying out certain public roads, and for other purposes, 13,269 dollars and 33 cents ;

To the chief justice, associate judges, and district judges of the United States, including the chief justice and two associate judges of the district of Columbia ; to the attorney-general, and to the district judge of the territory of Orleans, 59,400 dollars ;

To the several district attorneys of the United States, 3400 dollars ;

To the marshals of the districts of Maine, New Hampshire, Vermont, Kentucky, Ohio, East and West Tennessee, and Orleans, 1600 dollars ;

For the expences of the supreme, circuit, and district courts of the United States, including the district of Columbia, and of jurors and

witnesses, in aid of the funds arising from fines, forfeitures, and penalties, and likewise for defraying the expences of prosecutions for offences against the United States, and for safe keeping of prisoners, 40,000 dollars ;

For sundry pensions granted by the late government, 860 dollars ;

For the annual allowance to invalid pensioners, from the 5th of March, 1808, to the 4th of March, 1809, 98,000 dollars ;

For the maintenance of light-houses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, and certain contingent expences, including repairs and raising Newport light-house, 85,000 dollars ;

For erecting light-houses at the mouth of the Mississippi, and at Cape Look-out, in North Carolina, a former allowance of 20,000 dollars having been carried to the surplus fund, 20,000 dollars ;

For a light-house on the south point of Cumberland island, in the state of Georgia, a former allowance of 4000 dollars having been carried to the surplus fund, 4000 dollars ;

For a light-house on Cape Hatteras, and beacon on Shell-castle island, in addition to former allowances, 1145 dollars and 44 cents ;

For erecting, in addition to former allowances :

1. A light-house on New Point Comfort, in Virginia, 177 dollars and 20 cents ;

2. Light-houses on Long Island sound, 1000 dollars ;

3. A light-house on Wood Island or Fletcher's neck, 100 dollars ;

4. A double light-house at or near Chatham harbour, on the back of Cape Cod, 2000 dollars ;

For placing buoys and beacons near the rocks leading into the harbour of Salem, in Massachusetts, in addition to former allowances, 5000 dollars ;

For the boards formed in the territories of Orleans and Louisiana, for investigating and adjusting titles and claims to land, in addition to former allowances, 33,300 dollars ;

For carrying on the surveys of the public lands in the several territories, 21,174 dollars ;

For the expences of government, the balance of former allowances having been carried to the surplus fund, 20,000 dollars ;

For expences of intercourse with foreign nations, 33,050 dollars ;

For contingent expences of that intercourse, 20,000 dollars ;

For expences of intercourse with the Barbary powers, 50,000 dollars ;

For contingent expences of that intercourse, 50,000 dollars ;

For the relief and protection of distressed American seamen, 5000 dollars ;

For expences of prosecuting claims in relation to captures, 12,500 dollars ;

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, and duly admitted at the treasury, 4000 dollars.

XII. For the expences of the navy of the United States, for 1808, the following sums are allowed :

For the pay and subsistence of the officers, and pay of the seamen, 368,048 dollars ;

Provisions, 162,765 dollars, 10 cents ;

Medicines, instruments, and hospital stores, 5000 dollars ;

Repairs of vessels, 195,000 dollars ;

Freight, store-rent, commissions to agents, and other expences, 75,000 dollars ;

Pay and subsistence of the marine corps, including provisions for those on shore, and forage for the staff, 160,191 dollars, 90 cents ;

Clothing for the same, 29,933 dollars, 80 cents ;

Military stores for the same, 9654 dollars ;

Medicine, medical services, hospital stores, and all other expences on account of the sick of the same, 2000 dollars ;

Quarter-masters' and barrack-masters' stores, officers' travelling expences, armourers' and carpenters' bills, fuel, premiums for enlisting, musical instruments, bounty to music, and other contingent expences, 14,035 dollars ;

The expence of navy-yards, comprizing docks and other improvements, pay of superintendants, store-keepers, clerks, and labourers, 60,000 dollars ;

Ordnance, 50,000 dollars.

XIII. For carrying into effect a treaty between the United States and the Choctaw nation of Indians, concluded November 16th, 1805, the following sums are appropriated :

To the Choctaw nation, 50,500 dollars, and the further annual sum of 3000 dollars ;

To each of the three great Medal Mingoes, 500 dollars, and a further annual sum of 150 dollars to each of the said Mingoes during his continuance in office ;

For carrying into effect a treaty between the United States and the Ottoway, Chippeway, Wyandotte, and Pottawatamie nations of Indians, concluded at Detroit on the 17th of November, 1807, the following sums are appropriated :

Ten thousand dollars, to be paid in the following proportions :

To the Ottoways, 3333 dollars, 33 cents, and 4 mills ;

To the Chippeways, 3333 dollars, 33 cents, and 4 mills ;

To the Wyandottes, 1666 dollars, 66 cents, and 6 mills ;

To the Pottawatamies, 1666 dollars 66 cents, and 6 mills : and the further annual sum of 2400 dollars, to be paid in the following proportions :

To the Ottoways, 800 dollars ;

To the Chippeways, 800 dollars ;

To the Wyandottes, 400 dollars ; and to such of the Pottawatamies as now reside on the river Huron of Lake Erie, the river Raisin, and in the vicinity of the said rivers, 400 dollars.

XIV. The accounting officers of the treasury are directed to settle the accounts of all persons who may have claims against the United States, for expences incurred in the inquiry into the conduct of John

Smith, a senator; which expences may have been authorized by the committee of inquiry, or by order of the senate: but the said accounts shall be first certified by the chairman of the committee, or by the secretary of the senate.

Every witness before the committee of inquiry, or before the senate on the said inquiry, shall be allowed, for every day's attendance thereon, the sum of three dollars. And to defray these expences, is appropriated 500 dollars.

XV. From the last day of March, 1808, there shall be paid annually to the marshal for the district of North Carolina, 400 dollars; to the marshal for the district of New Jersey, 200 dollars, in addition to the emoluments heretofore allowed them.

XVI. Every free white male in the Indiana territory, above twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of fifty acres, or who may become the purchaser of a tract of fifty acres, or who holds in his own right a town lot of 100 dollars value, may vote for representatives to the general assembly of the said territory.

XVII. The importation of the following articles shall be allowed, notwithstanding the law prohibiting the importation of certain merchandize:

1. Wrappers and outside packages, in which goods, the importation of which is not prohibited, usually are wrapped or packed, at the time of their importation;
2. Bags or sacks in which salt shall be imported;
3. Glass bottles or phials in which drugs, medicines, or any other article, the importation of which is not prohibited, shall be imported;
4. Printed books, maps, and charts;
5. Watches, tradesmen's and artificers' tools; mathematical, astronomical, and surgical instruments; gilt buttons, locks, and all other articles manufactured partly of brass, and partly of any other metal.
6. Shalloons and woollen stuffs, muskets, bayonets, swords, cutlasses, and pistols.

The importation of the following articles shall be considered as prohibited by the fore-mentioned law:

All articles manufactured entirely of silk and wool, or of silk and flax, or of flax and wool; floor-cloths, woollen cassimeres, carpets, carpeting, and mats, whose invoice prices shall exceed five shillings sterling per square yard;

No articles imported on board any vessel of the United States, cleared out before the 14th day of December last, from any port within the United States, or the territories thereof, shall be subject to the prohibition enacted by the fore-mentioned act: but such vessels as may have cleared for any port beyond the Cape of Good Hope must return to some port in the United States, or its territories, within twelve months; and such vessels as shall have cleared from any other port must return within six months from the said 14th day of December.

XVIII. All the sections of land heretofore reserved for the future disposition of congress, not sold or otherwise disposed of, and lying within either of the districts established for the disposition of public lands in the state of Ohio, except the section numbered sixteen of the Salt Springs and lands reserved for the use of the same, shall be offered for sale in that district, within which such reserved sections may respectively lie, on the same terms as other lands in the same district: but such sections shall previously be offered to the highest bidder, at public sales, under the superintendence of the registers and receivers of public monies of the land offices respectively to which they are attached, on terms provided by law for the sales of other public lands, and on such days as the president shall appoint: but no such section shall be sold, either at public or private sale, for less than four dollars per acre.

XIX. For defraying the expence of the military establishment of the United States, for 1808, for the Indian department, and for the expence of fortifications, arsenals, magazines, and armouries, the following sums are appropriated:

For the pay of the army of the United States, 302,952 dollars;

Forage, 4,608 dollars;

The subsistence of the army and corps of engineers, 242,548 dollars, 35 cents;

Clothing, 85,000 dollars;

Bounties and premiums, 15,000 dollars;

The medical and hospital departments, 15000 dollars;

Camp equipage, fuel, tools, and transportation, 90,000 dollars;

Fortifications, arsenals, magazines, and armouries, 218,642 dollars, 5 cents;

Maps, plans, books, and instruments, 1500 dollars;

For contingencies, 18,000 dollars;

Ordnance, 45,000 dollars;

Tents, 20,000 dollars;

For extra transportation of military stores, 25,000 dollars;

For the Indian department, 140,600 dollars;

XX. From the 31st day of March, 1808, no duty shall be demanded on the importation of old copper, or such copper manufactures as have been worn out or otherwise so damaged as to be fit only for a raw material, to be manufactured anew. And the collector of the port where such old copper shall arrive, should any doubt arise whether such importation comes within the meaning of this act, shall appoint one person, and the owner, or importer, another, to ascertain whether the copper imported comes under the denomination of old copper, as above described; and the proceedings shall be so conducted as are directed by the fifty-second section of the act passed the 2d of March, 1799, regulating the collection of duties on imports and tonnage, in cases of incomplete entry, or of damage sustained by goods, during the voyage.

From the said 31st day of March, no duty shall be demanded on the importation of saltpetre or sulphur.

XXI. The circuit court of the United States, in the second circuit,

Smith, a senator; which expences may have been authorized by the committee of inquiry, or by order of the senate: but the said accounts shall be first certified by the chairman of the committee, or by the secretary of the senate.

Every witness before the committee of inquiry, or before the senate on the said inquiry, shall be allowed, for every day's attendance thereon, the sum of three dollars. And to defray these expences, is appropriated 500 dollars.

XV. From the last day of March, 1808, there shall be paid annually to the marshal for the district of North Carolina, 400 dollars; to the marshal for the district of New Jersey, 200 dollars, in addition to the emoluments heretofore allowed them.

XVI. Every free white male in the Indiana territory, above twenty-one years, having been a citizen of the United States, and resident in the said territory, one year next preceding an election of representatives, and who has a legal or equitable title to a tract of land of fifty acres, or who may become the purchaser of a tract of fifty acres, or who holds in his own right a town lot of 100 dollars value, may vote for representatives to the general assembly of the said territory.

XVII. The importation of the following articles shall be allowed, notwithstanding the law prohibiting the importation of certain merchandise:

1. Wrappers and outside packages, in which goods, the importation of which is not prohibited, usually are wrapped or packed, at the time of their importation;
2. Bags or sacks in which salt shall be imported;
3. Glass bottles or phials in which drugs, medicines, or any other article, the importation of which is not prohibited, shall be imported;
4. Printed books, maps, and charts;
5. Watches, tradesmen's and artificers' tools; mathematical, astronomical, and surgical instruments; gilt buttons, locks, and all other articles manufactured partly of brass, and partly of any other metal.
6. Shalloons and woollen stuffs, muskets, bayonets, swords, cutlasses, and pistols.

The importation of the following articles shall be considered as prohibited by the fore-mentioned law:

All articles manufactured entirely of silk and wool, or of silk and flax, or of flax and wool; floor-cloths, woollen cassimeres, carpets, carpeting, and mats, whose invoice prices shall exceed five shillings sterling per square yard;

No articles imported on board any vessel of the United States, cleared out before the 14th day of December last, from any port within the United States, or the territories thereof, shall be subject to the prohibition enacted by the fore-mentioned act: but such vessels as may have cleared for any port beyond the Cape of Good Hope must return to some port in the United States, or its territories, within twelve months; and such vessels as shall have cleared from any other port must return within six months from the said 14th day of December.

XVIII. All the sections of land heretofore reserved for the future disposition of congress, not sold or otherwise disposed of, and lying within either of the districts established for the disposition of public lands in the state of Ohio, except the section numbered sixteen of the Salt Springs and lands reserved for the use of the same, shall be offered for sale in that district, within which such reserved sections may respectively lie, on the same terms as other lands in the same district: but such sections shall previously be offered to the highest bidder, at public sales, under the superintendence of the registers and receivers of public monies of the land offices respectively to which they are attached, on terms provided by law for the sales of other public lands, and on such days as the president shall appoint: but no such section shall be sold, either at public or private sale, for less than four dollars per acre.

XIX. For defraying the expence of the military establishment of the United States, for 1808, for the Indian department, and for the expence of fortifications, arsenals, magazines, and armouries, the following sums are appropriated:

For the pay of the army of the United States, 302,952 dollars;

Forage, 4,608 dollars;

The subsistence of the army and corps of engineers, 242,548 dollars, 35 cents;

Clothing, 85,000 dollars;

Bounties and premiums, 15,000 dollars;

The medical and hospital departments, 15000 dollars;

Camp equipage, fuel, tools, and transportation, 90,000 dollars;

Fortifications, arsenals, magazines, and armouries, 218,642 dollars, 5 cents;

Maps, plans, books, and instruments, 1500 dollars;

For contingencies, 18,000 dollars;

Ordnance, 45,000 dollars;

Tents, 20,000 dollars;

For extra transportation of military stores, 25,000 dollars;

For the Indian department, 140,600 dollars;

XX. From the 31st day of March, 1808, no duty shall be demanded on the importation of old copper, or such copper manufactures as have been worn out or otherwise so damaged as to be fit only for a raw material, to be manufactured anew. And the collector of the port where such old copper shall arrive, should any doubt arise whether such importation comes within the meaning of this act, shall appoint one person, and the owner, or importer, another, to ascertain whether the copper imported comes under the denomination of old copper, as above described; and the proceedings shall be so conducted as are directed by the fifty-second section of the act passed the 2d of March, 1799, regulating the collection of duties on imports and tonnage, in cases of incomplete entry, or of damage sustained by goods, during the voyage.

From the said 31st day of March, no duty shall be demanded on the importation of saltpetre or sulphur.

XXI. The circuit court of the United States, in the second circuit,

shall consist of the justice of the supreme court residing within said circuit, and the district judge of the district in which such court may be holden.

Within the district of Georgia, the circuit court to be holden in the month of December, annually, shall hereafter be holden at Milledgeville, instead of Louisville.

Instead of the times heretofore established for holding the fall terms of the district court of North Carolina, the same shall commence in future on the following days: at Wilmington, for the district of Cape Fear, on the third Monday of October; at Newbern, for the district of Pamptico, on the Friday next after the third Monday of October; and at Edenton, for the district of Albemarle, on the first Tuesday following the Friday next after the third Monday of October, annually. And all actions, pending in any of the district courts of North Carolina, for the terms aforesaid, shall be continued according to the alterations hereby established.

XXII. The payment of all bonds given for duties on the importation of coffee, sugar, pepper, indigo, cocoa, and wine paying a duty of twenty-three cents per gallon, now remaining unpaid, and due subsequent to the 22d of December, 1807, and while the embargo shall continue in force, may be suspended during the continuance of the said embargo: but such extension of credit shall not apply to the duties due for any of these articles, which either have been re-exported, or are not entitled to be exported with the benefit of drawback, nor to any which have been or will be sold by the importer.

The persons entitled to the extension of credit here allowed shall take up the bonds heretofore given for such duties, and give to the collector new bonds, with one or more satisfactory sureties, for the sums of their former bonds respectively, payable whenever the act laying an embargo shall no longer be in force: which bonds shall be accepted on the terms, that the goods shall be deposited, at the expence and risk of the importer, in a store-house, as is now provided for the deposit of teas; but no delivery of the said goods shall be made to the owners, unless the duties on so much as may be thus delivered be paid. And whenever the bonds shall become due, and remain unpaid more than forty-five days, so much of the deposited goods as may be necessary shall be sold at public sale, and the proceeds, after deducting the charges of safe-keeping and sale, be applied to the payment of such sum, rendering the overplus and the residue of the goods to those who deposited them, or their agents. But if the proceeds of such sale shall not suffice to pay the duties and charges, or if any of the goods shall, while deposited, be destroyed, stolen, lost, or damaged, the bonds shall be proceeded with in all respects as other bonds taken by collectors for duties.

Whenever any goods, which, being entitled to drawback, had, prior to the 22d of December, 1807, been actually on board a vessel, and duly inspected by a proper officer, have been detained under the embargo, so as to prevent the actual exportation of such goods, the payment of bonds given for duties on the same, may, to the amount of such duties, be suspended during the continuance of the embargo, in the

same manner as is heretofore provided for bonds given for duties on certain specified articles: but the owners of such goods shall surrender any debentures which previously have been granted for the drawback on the same.

The persons entitled to the extension of credit hereafter allowed, may, at their option, either deposit the goods in a store-house, or leave the same on board the vessel; the said goods being in either case secured in the same manner as is heretofore provided for goods deposited: but, whenever it may be lawful to export such goods, the same must again be inspected by a proper officer on board the vessel in which the same shall be exported, to entitle the exporter to drawback; nor shall any debentures on such goods be issued or paid, till after the actual exportation. Nothing herein ordained shall prevent the owners of such goods, who may not claim the extension of credit hereby allowed, and who have not received debentures on the same, from landing and keeping in their possession any such goods.

XXIII. A sum not exceeding 300,000 dollars is appropriated for buying or manufacturing an additional number of stands of arms, to be deposited in suitable places; and for the purchase of saltpetre and sulphur, a sum not exceeding 150,000 dollars.

XXIV. The duties, payable according to law, on the importation of a monument imported in the frigate Constitution, from Italy, on account of the officers of the United States' navy, are remitted.

XXV. As soon as the jurisdiction of so much of the head land of the south point of the island of Sapelo, in the state of Georgia, as the president shall deem sufficient for erecting a light-house and its appurtenances, have been ceded to the United States, at a reasonable price, it shall be the duty of the secretary of the treasury to provide by contract, to be approved by the president, for building a light-house, and furnishing the same with all necessary supplies, and also to agree for the wages of those appointed by the president for the superintendence and care of building the light-house; and the president is authorized to make the said appointment.

The secretary of the treasury is authorized to cause to be placed four buoys on the shoals called the south and north banks of the harbour or entrance of the inlet leading to the town of Darien.

The secretary of the treasury is authorized to cause to be placed beacons and buoys at the following places: two beacons and three buoys near the entrance of Ipswich harbour; three buoys, one on Gurnet rock, one on Boss rock, and one on Deck's flats, and two beacons on the stony muscle bed, near Plymouth harbour; three additional buoys before the harbour of Nantucket, and a buoy, or leading mark, on the island of Tuckanuck, in the state of Massachusetts; three buoys at or near to the entrance of Connecticut river, and three buoys to be placed at or near the entrance of Great Egg Harbour river, in the state of New Jersey: 11,500 dollars are assigned for this purpose.

XXVI. The secretary of war is authorized to issue military land warrants to such persons as have, or shall, before the first day of March, 1810, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued, and not

yet satisfied, may be located in the names of the holders thereof, prior to the 1st of October, 1810, on any unlocated parts of the fifty quarter townships, and the fractional quarter townships, reserved by law for original holders of military land warrants.

XXVII. So much of the second section of the act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio, passed the 24th day of February, 1807, constituting the state of Tennessee one district, for the purpose of holding circuit courts therein, is repealed, and the state of Tennessee shall henceforth be divided into two districts, for holding circuit courts, and their limits shall be the same as those now prescribed for the districts of East and West Tennessee, by the above act; and there shall be holden annually, in each of the said districts, one circuit court, to consist of one justice of the supreme court of the United States, and the district judge of the said districts of East and West Tennessee, and the sessions shall be held at Nashville, on the second Monday in June, and at Knoxville, on the third Monday in October, annually; and all actions depending in the said circuit court of the United States, to be held at Nashville, on the first Monday in June next, shall be returned, and continued to the second Monday in June next, as they would have been if this change had not taken place.

Where any suit has been brought, or is pending before the circuit court at Knoxville, for the district of East Tennessee, against a person residing in East Tennessee, such suit shall be proceeded on in the district of East Tennessee and where any suit is now pending before the circuit court at Nashville, for the district of West Tennessee, against a person residing in West Tennessee, such suit shall be proceeded on in the district of West Tennessee.

The district judge of Tennessee shall attend at Knoxville, on the first Thursday after the third Monday in April next, and on the first Thursday after the third Monday in April of every year after, and at Nashville, on the first Thursday after the fourth Monday in November next, and on the first Thursday after the fourth Monday in November every year after, and shall have power to make all necessary orders touching any suit returned to the circuit court next to be holden at Knoxville, and Nashville, or depending therein, preparatory to the trial of such action, and all writs may be returnable to the said courts on the first Thursday after the third Monday in April, at Knoxville, and on the first Thursday after the fourth Monday in November, at Nashville, in the same manner as to the sessions of the circuit court, hereby directed to be held in the district of East Tennessee, at Knoxville, and in the district of West Tennessee, at Nashville; and the said writs, returnable to the circuit courts at Knoxville, may also bear test on the said first Thursday after the third Monday in April; and the writs returnable to the circuit courts at Nashville may bear test on the first Thursday after the fourth Monday in November, as though a session of the said circuit court was holden on those days at Knoxville and Nashville respectively.

There shall be two clerks appointed, one for the circuit court held at Knoxville, and one for the circuit court at Nashville, who shall at-

and the district judge at the times and places mentioned, who shall make due entries as ordered by the judge, and at every session all actions and proceedings shall, for the circuit court at Nashville, be continued to the ensuing second Monday in June, and for the circuit court at Knoxville, to the ensuing third Monday in October.

All actions and proceedings originally returned to the circuit court held at Nashville, on the first Monday in June last, and all proceedings returnable to the said circuit court at Nashville, shall, after the next June term, be continued in the session to be held by this act, on the first Thursday after the fourth Monday in November next, and all actions and proceedings originally returned to the circuit court at Knoxville, on the third Monday in October last; and all returnable to the said circuit court shall be continued to the session held by this act, on the first Thursday after the third Monday in April next; and such proceedings shall be had as already directed.

XXVIII. The president is authorized, when he shall deem necessary, to require of the executives of the several states and territories, to organize, and hold in readiness to march at a moment's warning, their respective proportions of 100,000 militia, officers included, to be apportioned by the president, from the latest militia returns in the department of war, and, where such returns have not been made, by such other data as he shall judge equitable.

The executives of the several states and territories may accept, as part of the said detachment, any corps of volunteers who shall engage to continue in service six months after they arrive at the place of rendezvous.

The said detachment of militia and volunteers shall be officered out of the present militia officers or others, at the option of the respective states and territories, the president apportioning the general officers among the respective states and territories as he may deem proper.

The said detachments shall not be compelled to serve longer than six months after they arrive at the place of rendezvous, and, during their service, shall receive the same pay, rations, and allowance for clothing, as the regular army.

The president may call into actual service any part, or the whole of said detachment, when he shall judge proper; and, if a part only be called into service, they shall be taken from such part as the president shall deem proper.

One million of dollars is appropriated for the support of such part of said detachment as may be called into actual service.

This act shall be in force for two years from March 30th, 1808.

XXIX. Whenever the president may be authorized to sell the public lands, in any land district, he may, whenever he think it convenient, offer for sale, at first, only a part of the lands contained in such district, and afterwards offer for sale any other part, or the remainder of the same lands.

The fourth section of an act passed the twenty-first day of April, 1806, in addition to an act regulating the grants of land, and providing for the disposal of the lands of the United States south of the

state of Tennessee, is put into force till the first day of October, 1808, and, where a donation shall be granted in lieu of a pre-emption certificate, the money paid shall be repaid to the payer.

Certain settlers on the river Mobile, in the Mississippi territory (east of Pearl river, who reside near the line of demarkation, between the United States and Spain, run in pursuance of the treaty of 1795, and whose claims to land has not been decided on according to law), shall be allowed till the first of October, 1808, to file a notice in writing with the register of the land office, stating the nature and extent of their claims, with a plat of the tract claimed; and the said register and receiver shall determine such claims according to the several acts regulating the grants of land, and providing for the disposal of the lands of the United States south of the state of Tennessee, and grant certificates in the form heretofore prescribed by the board of commissioners in said district.

The registers of the land office, east and west of Pearl river, in the Mississippi territory, shall transmit to the secretary of the treasury, on or before the 1st of November, 1808, a report of all the claims of certain persons to lands in the Mississippi territory, founded on British or Spanish warrants or orders of survey granted prior to the 27th day of October, 1795, not confirmed by former laws regulating the grants of lands in said territory, which have heretofore been regularly filed with the register with the evidence in support of them, to be by him laid before congress at their next session. And the land contained in such warrants or orders of survey shall not be disposed of till otherwise directed by law.

That part of the lands to which the Indian title was extinguished by the treaty with the Choctaw nation, made on mount Dexter, 1805, lying on the east of Pearl river, shall be attached to the land district east of Pearl river, and the residue to which the Indian title was extinguished by said treaty shall be attached to the land district west of Pearl river; and the said lands shall, except section number sixteen, which shall be reserved in each township for the use of schools within the same, and also with the exception of fifteen hundred acres of land, which is hereby confirmed to John M'Grew, in compliance with the fourth article of said treaty, be offered for sale under the same regulations, at the same prices, and on the same terms, as other lands lying within the same.

Every person, either the head of a family, or above the age of twenty-one years, who did, before the 3d day of March, 1807, inhabit and cultivate a tract in the Mississippi territory, belonging to the United States, shall be allowed till the first day of October, 1808, to remain on such tract according to the provisions of the act to prevent settlements on lands ceded to the United States till authorized by law, and such person shall enjoy all the benefits granted by law to those who obtained the same prior to the first day of January, 1808.

The right of the United States to two town lots in the city of Natchez is vested in the corporation of the city, so as not to affect the legal or equitable claims of any other.

Whenever the claims of persons having a right of pre-emption in

the districts east or west of Pearl river shall interfere with each other, the register and receiver shall, in their respective districts, so regulate their locations as to prevent such interference.

XXX. The act concerning the mint, of March 3d, 1801, shall be in force for five years after the 4th day of March, 1808.

XXXI. The president is authorized to sell to individual states, which may wish to purchase, any arms now owned by the United States, and which may be parted with without injury to the public. Accounts of such sales shall be laid before congress, and the money is appropriated, under the direction of the president, to the manufacture of other arms for the use of the United States : but such arms shall not be delivered to any state till the purchase money is first paid into the treasury in money, or stock of the United States at its value, as established by an act to repeal so much of any act or acts as authorize the receipt of evidences of the public debt, in payment for the lands of the United States, and for other purposes relative to the public debt : and this provision shall not extend to any purchase, not exceeding five thousand stand of arms, which shall be made by a state to which the United States by existing engagements are bound to pay a sum of money, equal to the amount of such purchase.

XXXII. In addition to the present military establishment of the United States, there shall be raised five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light dragoons, for five years, unless sooner discharged.

The said regiments shall consist of ten companies each, and the regiment of light dragoons of eight troops ; and the field and staff officers of each regiment, of one colonel, one lieutenant-colonel, one major, one adjutant, one quarter-master, one pay-master, one surgeon, one surgeon's mate, one serjeant major, one quarter-master serjeant, two principal musicians, and for the regiment of light dragoons, one riding master ; each company of infantry and riflemen to consist of one captain, one first and one second lieutenant, one ensign, two cadets, four serjeants, four corporals, two musicians, and sixty-eight privates ; each company of artillery of one captain, one first and one second lieutenant, two cadets, four serjeants, four corporals, two musicians, eight artificers, and fifty-eight matrosses ; and each troop of light dragoons, of one captain, one first and one second lieutenant, one cornet, two cadets, four serjeants, four corporals, two musicians, one saddler, one farrier, and sixty-four privates.

When, in the opinion of the president, a suitable proportion of the troops now authorized shall be raised, he may appoint two additional brigadier-generals, who shall be entitled to one aide-de-camp each, to be taken from the subalterns of the line ; two brigade inspectors, and two brigade quarter-masters ; and such number of hospital surgeons and surgeons' mates as the service may require, but not exceeding five surgeons and fifteen mates, with one steward, and one ward-master to each hospital ; the brigade inspectors appointed under this act shall be taken from the line ; and the brigade quarter-masters, the adjutants, regimental quarter-masters, and pay-masters, from the subalterns of the line.

Each brigadier-general shall receive one hundred and four dollars per month, twelve rations per day, or an equivalent in money, and sixteen dollars per month for forage, when not furnished by the public ; each brigade inspector, thirty dollars per month, in addition to his pay in the line ; each brigade quarter-master and aide-de-camp, twenty dollars, and each adjutant regimental quarter-master and pay-master, ten dollars per month, in addition to their pay in the line ; and to each, six dollars per month for forage, when not furnished as aforesaid : each hospital surgeon, seventy-five dollars per month, six rations per day, or an equivalent in money, and twelve dollars per month for forage, when not furnished as aforesaid ; each hospital surgeon's mate, forty dollars per month, two rations per day, or an equivalent in money, and six dollars per month for forage, when not furnished as aforesaid ; each hospital steward, twenty dollars per month and two rations per day, or an equivalent in money ; each ward-master, sixteen dollars per month, and two rations per day, or an equivalent in money ; to the colonel of light dragoons, ninety dollars per month, six rations per day, and forage for five horses ; to the lieutenant-colonel of light dragoons, seventy-five dollars per month, five rations per day, and forage for four horses ; to the major of light dragoons, sixty dollars per month, four rations per day, and forage for four horses ; to each captain of light dragoons, fifty dollars per month, three rations per day, and forage for three horses ; to each lieutenant of light dragoons, thirty-three and one-third dollars per month, two rations per day, and forage for two horses ; to each cornet of light dragoons, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses ; to the riding-master, twenty-six and two-thirds dollars per month, two rations per day, and forage for two horses ; each saddler and farrier, ten dollars per month, one ration per day, and a suit of uniform clothing annually ; and all other officers, cadets, non-commissioned officers, musicians, artificers, and privates, authorized by this act, shall receive the like emoluments as those of the present establishment : but the officers and riding master must furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses to entitle them to the foregoing allowance for forage, or its equivalent in money : and the whole or any part of the regiment of light dragoons shall serve on foot as light infantry, till, by order of the president, horses and accoutrements shall be provided to equip the whole or any part thereof, as mounted dragoons.

The officers and privates raised pursuant to this act, shall be entitled to the like compensation in case of disability by wounds and otherwise, incurred in the service, as the officers and privates in the present military establishment, and with them shall be subject to the rules and articles of war ; and the provisions of the act, fixing the military peace establishment of the United States, relative to the widow or children of any commissioned officer who shall die, while in the service of the United States, of any wound received in actual service, to courts martial, the regulation and compensation of recruiting officers, the age, size, qualifications, and bounties of recruits, arrears

of pay, the bonds and duties of pay-masters, penalties for desertion, punishment of persons who shall procure or entice any soldier to desert, or shall purchase from any soldier his arms, uniform, clothing, or any part thereof; and the punishment of the commanding officer of any vessel, who shall receive on board as one of his crew, knowing him to have deserted, or otherwise carry away, any such soldier, or shall refuse to deliver him up to the orders of his commanding officer; to the oath or affirmation to be taken and subscribed by officers, non-commissioned officers, musicians, and privates, to the allowance for extra expence to any commissioned officer in travelling and sitting on general courts martial, to arrests of non-commissioned officers, musicians, and privates for debts, to the allowance to soldiers discharged from service, except by way of punishment, in force and repeated in the same manner as if they were inserted at large.

The subsistence of the officers, when not received in kind, shall be estimated at twenty cents per ration.

There shall be to each brigade one chaplain, with the pay and emoluments of a major in the infantry.

In the recess of the senate, the president may appoint all or any of the officers, other than the general officers, which appointments shall be submitted to the senate, at the next session, for their advice and consent.

Every commissioned and staff officer appointed shall be a citizen of the United States, or some one of its territories.

XXXIII. The members of congress, the secretary of the senate, and the clerk of the house of representatives may transmit, free of postage, the message of the president, of the 22d day of March, 1808, and the documents accompanying the same, and the documents accompanying the message of the president of the 30th of March, printed by order of congress, to any post-office; and the secretary of the senate, and the clerk of the house of representatives, shall send by the mail the printed copies of the same message and documents, or any part that may remain after congress shall adjourn, and the same shall be conveyed free of postage as aforesaid.

XXXIV. The act for the more effectual preservation of peace in the ports and harbours of the United States, and in the waters under their jurisdiction, passed on the 3d of March, 1805, shall be in force for two years, and from thence to the end of the next session of congress.

XXXV. The act of the 17th of March, 1800, declaring the assent of congress to certain acts of the states of Maryland and Georgia, shall be in force till the 3d of March, 1814.

XXXVI. No member of congress shall, directly or indirectly, himself, or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, wholly or partly, any contract to be made with any officer of the United States, in their behalf, or with any authorized to make contracts on the part of the United States; and if any member of congress shall offend herein, he shall, on conviction before any court having cognizance thereof, be judged guilty of a high misdemeanor,

and be fined three thousand dollars ; and every such contract as aforesaid shall be void ; any money advanced on the part of the United States, in consideration of such contract, shall be repaid ; and in case of refusal or delay to repay when duly demanded, the refuser or delayer, with his sureties, shall be prosecuted.

This prohibition shall not extend to any contract made by any incorporated company, where such contract shall be made for the general benefit of such company ; nor to the purchase or sale of bills of exchange or other property, where the same shall be ready for delivery, and for which payment shall be made at the time of making the contract.

In every such contract, there shall be inserted an express condition that no member of congress shall be admitted to any share of such contract, or to any benefit to arise therefrom.

If any officer of the United States, on behalf of the United States, shall directly or indirectly make any contract, in writing or otherwise, other than such as are herein excepted, with any member of congress, such officer, on conviction thereof before any court having jurisdiction thereof, shall be deemed guilty of a high misdemeanor, and be fined three thousand dollars.

From the passing of this act, the secretary of the treasury, secretary of war, secretary of the navy, and the post-master-general, annually shall lay before congress a statement of all the contracts made in their respective departments, during the year preceding such report, exhibiting the name of the contractor, the thing contracted for, the place where the article was to be delivered, or the thing performed, the sum to be paid for its performance or delivery, the date and duration of the contract.

XXXVII. The act to extend jurisdiction in certain cases to state judges and state courts, passed the 8th of March, 1806, shall be in force.

The several provisions of the above-mentioned act, to extend jurisdiction in certain cases to state judges and state courts, shall extend to the respective county courts within or next adjoining the revenue districts in the state of Ohio on lake Erie, and to the district attorney of Ohio.

XXXVIII. The next meeting of congress shall be on the first Monday of November, 1808.

XXXIX. The annual sum of 200,000 dollars is appropriated, for the purpose of providing arms and military equipments for the whole body of the militia of the United States, either by purchase or manufacture, on account of the United States.

The president is authorized to purchase scites for, and erect such additional arsenals and manufactories of arms, as he may deem expedient, under the restrictions now provided by law. But so much of any law as restricts the number of workmen in the armories of the United States to 100 men, shall be repealed.

All the arms thus procured shall be transmitted to the several states and territories, to each state and territory respectively, in proportion to the number of the effective militia in each, and by each

be distributed to their militia, under such regulations as they shall by law prescribe.

XL. To make good a deficiency in the appropriation for the contingent expences of both houses of congress, authorized by the act of the 10th of February last, the further sum of 7000 dollars is appropriated.

Five thousand four hundred and one dollars and twenty-seven cents, the balance of a former appropriation to that amount for that purpose, having been carried to the credit of the surplus fund, to be paid out of any monies in the treasury not otherwise appropriated, is appropriated for defraying the further expences incident to the valuation of houses and lands, and the enumeration of slaves in the United States.

XLI. By this act, sixty persons are placed on the invalid list, at pensions between two dollars and a half per month, and twenty-five dollars per month.

The secretary at war is directed to place on the pension list of the United States all persons who now remain on the pension list of any of the states, and who were placed on the same in consequence of disability occasioned by known wounds received during the revolutionary war, whether such person served in the land or sea service of the forces of the United States, or of any particular state, in the regular corps, or the militia, or as volunteers. But in no case the pensions allowed to such person shall exceed the sums specified by the act to provide for persons who were disabled by known wounds received in the revolutionary war, of the 10th of April, 1806. And in every case where application shall be made, to have such person placed on the pension list of the United States, under this law, satisfactory documents from the proper officers of the state shall be adduced to establish the fact of such person having been placed on the state pension list in consequence of disability occasioned by known wounds received during the revolutionary war.

Any officer, non-commissioned officer, musician, or private, who has been disabled since the revolutionary war, while in the line of his duty, in the actual service of the United States, whether he belong to the military establishment or the militia, or any volunteer corps, called into service under the authority of the United States, may be placed on the pension list of the United States, at such rate, and under such regulations, as are prescribed by the act to provide for persons who were disabled by known wounds received in the revolutionary war, passed April 10, 1806.

The pensioners becoming such in virtue of this act, shall be paid in the same manner as invalid pensioners are paid, who have heretofore been placed on the pension list, under such restrictions, in all respects, as are prescribed by the laws of the United States.

XLII. The president is authorized to cause the lands in Portland, whereon the fort and battery now stand, and the lands at Ocracock and Old Topsail inlets, in North Carolina, acquired with a view to erecting fortifications, to be exchanged for other lands more suitable for fortification, and the protection of Portland, in the district of Maine, and Ocracock and Old Topsail inlet, in North Carolina.

XLIII. From the 30th of June, 1808, a district shall be formed out of the district of Edenton, in North Carolina, to be called the district of Plymouth, which shall include the rivers Roanoke and Cashie, and all the waters, creeks, and harbours belonging thereto. The town of Plymouth shall be the port of entry and delivery, and Windsor and Skewarky ports of delivery. A collector for the district shall be appointed, to reside and keep his office at Plymouth, who shall receive three per cent. commissions on all monies by him received on account of the duties arising on goods imported into the said district, and on the tonnage of vessels, and the other emoluments of office established by law.

From the 30th of June, 1808, the district of Nanjemoy, in the state of Maryland, shall be called the district of St. Mary's, and the collector shall reside at St. Mary's river, which shall be the port of entry and delivery for said district, and Nanjemoy a port of delivery only, to which a surveyor shall be appointed, who shall, in addition to the fees and emoluments already allowed by law, receive a salary of 150 dollars.

The town of Augusta, in the district of Maine, is constituted a port of delivery, to be annexed to the district of Bath, and subject to the same regulations as other ports of delivery in the United States; and there shall be a surveyor to reside at the said port, who shall receive 150 dollars annually, in addition to the other emoluments allowed by law.

XLIV. For defraying the necessary expence to the 1st of January, 1809, of the troops to be raised by virtue of an act to raise, for a limited time, an additional military force, passed on the 12th of April, 1808, the following sums are appropriated:

- For pay, 285,920 dollars;
- For forage, 18,479 dollars;
- For subsistence, 213,696 dollars;
- For clothing, 150,528 dollars;
- For bounties and premiums, 85,120 dollars;
- For the medical and hospital departments, 15,000 dollars;
- For camp equipage, tents, barracks, fuel, and transportation, 111,000 dollars;

- For contingencies, 10,000 dollars;
- For ordnance, 60,000 dollars;
- For the purchase of horses and other expences necessary to mount the cavalry, 36,720 dollars.

XLV. In addition to the appropriations already made, the following sums shall be applied under the direction of the president:

- For making good the deficit of 1807, including the debt due from the public offices, 51,500 dollars;

- For completing the wall of the president's square, planting the ground so as to close this part of the expenditure, building a solid flight of steps to the principal door, and minor expences, 14,000 dollars;

- For carrying up, in solid work, the interior of the north wing, comprising the senate chamber, 25,000 dollars;

For executing the work deficient in the interior of the south wing, and for painting, 11,500 dollars.

XLVI. Every person claiming lands within that part of the Michigan territory to which the Indian title has been extinguished, by virtue of any legal grant made by the French government prior to the treaty of Paris, of the 10th of February, 1763; or of any legal grant made subsequently by the British government, and prior to the treaty of peace between the United States and Great Britain, of the 3d of September, 1783, or of the second section of the act regulating the grants of land in the territory of Michigan, shall be allowed till the 1st of January, 1809, to deliver to the register of the land-office for the district of Detroit, a notice in writing, stating the nature and extent of his claims, together with a plat of the tract claimed, and if he fail to do this, all his right, so far as it may be derived from any act of congress, shall be void, and the commissioners appointed for ascertaining and deciding the rights of persons claiming lands in the said district of Detroit shall have the same powers, and perform the duties in relation to the claims, notices of which shall be thus filed, as are granted them by the last-mentioned act.

Every person whose claim has been, or shall be confirmed by the commissioners aforesaid, to a tract of land bordering on the river Detroit, and not exceeding in depth forty arpens, French measure, shall be preferred as a purchaser of any vacant land adjacent to his own tract, not exceeding forty arpens, French measure, in depth, nor, in quantity, his own tract, at the same price, and on the same terms and conditions as are provided by law for the other public lands in the said district. And the surveyor-general shall, as soon as may be, survey such tracts, and in all cases where, by reason of bends in the said river, and of adjacent prior or pre-emption claims, each claimant cannot obtain a tract equal in quantity to the adjacent tract already owned by him, to divide the vacant land, applicable to that object, between the several claimants, as to him will appear most equitable. And every person entitled to this privilege shall, on or before the 1st of January, 1809, deliver to the register of the land-office of Detroit a notice in writing, stating the situation and extent of the land he wishes to purchase, and deposit at the same time one-twentieth part of the purchase-money; and shall also, within three months after the return of the survey to the office of the said register, produce to him a receipt from the receiver of the public money for the said district for one-fourth part of the purchase-money. And, if he shall fail so to do, his right of pre-emption shall cease.

Every person who, being the head of a family, did, prior to the 26th of March, 1804, and doth at this time inhabit and cultivate a tract in the territory of Michigan not claimed under a legal French or British grant, or under the second section of the act before mentioned, shall be preferred as purchaser of such tract, not exceeding one section, at the price and in the manner on which the other public lands are directed to be sold. And every person entitled to this privilege shall, on or before the 1st of January, 1809, deliver to the register of the land-office a notice, in writing, of the situation and ex-

tent of the tract he wishes to purchase. The commissioners shall examine and decide the claims of every such person, and, when it shall appear to them that the claimant is entitled to pre-emption, they shall give a certificate thereof, directed to the register of the land office, which certificate, together with a receipt from the receiver of the public money, of at least one-fourth of the purchase money, shall, on or before the first day of January, 1809, be produced by the claimant to the register of the land office for the said district. Of those who shall fail to do so, their right of pre-emption shall cease.

So much of the second section of the act before mentioned, as provides that not more than one parcel of land shall be granted to any one person, is repealed.

The lands to which the Indian title has been extinguished, by the treaty made at Detroit, on the seventeenth of November, 1807, shall be made a part of the district of Detroit, and be offered for sale at that place, at the same price, and on the same terms, as other lands lying in that district.

LAWS AND PUBLIC ACTS.

I. A treaty made at Mount Dexter, in the Choctaw country, between the agents of the United States to the Choctaws, and the Mingoes, chiefs, and warriors of the Choctaw nation of Indians, in council assembled.

1. The Mingoes, chiefs, and warriors of the Choctaws cede to the United States all the lands to which they now have or ever had claim, lying to the right of the following lines : beginning at a branch of the Humecheeto where the same is intersected by the present Choctaw boundary, and also by the path leading from Natchez to the county of Washington, usually called M'Clarey's path, thence eastwardly along M'Clarey's path to the east or left bank of Pearl river, thence on such a direct line as would touch the lower end of a bluff on the left bank of Chickasawhay river, the first above the Hiyoowannee towns, called Broken Bluff, to a point within four miles of the Broken Bluff, thence in a direct line nearly parallel with the river to a point whence an east line of four miles in length will intersect the river below the lowest settlement at present occupied and improved in the Hiyoowannee town, thence still east four miles, thence in a direct line nearly parallel with the river to a point on a line to be run from the lower end of the Broken Bluff to Faluktabunnee on the Tombigbee river, four miles from the Broken Bluff, thence along the said line to Faluktabunnee, thence east to the boundary between the Creeks and Choctaws on the ridge dividing the waters running into the Alabama from those running into Tombigbee, thence southwardly along the said ridge and boundary to the southern point of the Choctaw claim : reserving a tract of two miles square run on meridians and parallels so as to include the houses and improvements in the town of Fuketcheepona, and reserving

also a tract of 5120 acres, beginning at a post on the left bank of Tombigbee river opposite the lower end of Hatchatigbee Bluff, thence ascending the river four miles front and two back, one half for the use of Alzira, the other half for the use of Sophia, daughters of Samuel Mitchell by Molly, a Choctaw woman. The last reserve to be subject to the same laws and regulations as may be established in the circumjacent country; and the said Mingoes of the Choctaws request that the government of the United States may confirm the title of this reserve in the said Alzira and Sophia.

In consideration of this cession, the United States shall pay to the said nation 50,500 dollars, for the following purposes: 48,000 dollars to enable the Mingoes to discharge the debt due to their merchants and traders; and also to pay for the depredations committed on stock, and other property by evil-disposed persons of the said Choctaw nation; 2500 dollars to be paid to John Pitchlynn, for certain losses sustained in the Choctaw country, and as a grateful testimonial of the nation's esteem. And the said States shall also pay annually to the said Choctaws, for the use of the nation, 3000 dollars in such goods (at neat cost of Philadelphia) as the Mingoes may chuse, they giving at least one year's notice of such choice.

3. The United States shall give to each of the three great Medal Mingoes, Pukshunubbee-Mingo, Hoomastubbee, and Poosshamat-taha, 500 dollars, in consideration of past services in their nation, and also to each an annuity of 150 dollars during their office, but neither shall share any part of the general annuity of the nation.

4. The Mingoes certify that a tract of land not exceeding 1500 acres, situated between the Tombigbee river and Jackson's creek, the front or river line extending down the river from a blazed white oak standing on the left bank of the Tombigbee, near the head of the shoal, next above Hobukentoopa, and claimed by John M'Grew, was in fact granted to the said M'Grew by Opiomingo Hesnitta and others, many years ago, and they respectfully request the government of the United States to establish the claim of the said M'Grew to the said 1500 acres.

5. The two parties covenant that the boundary as described in the second article shall be plainly marked, as the president may direct, in the presence of three persons appointed by the said nation; one from each of the great medal districts, each of whom shall receive for this service two dollars per day during his actual attendance, and the Choctaws shall have due notice of the place where, and time when, the operation shall commence.

6. The lease granted for establishments on the roads leading through the Choctaw country is confirmed in all its conditions, and, except in the alteration of boundary, nothing in this instrument shall change any of the pre-existing obligations of the parties.

II. A treaty made at Detroit, the 17th of November, 1807, between the United States, and the sachems, chiefs, and warriors of the Ottaway, Chippeway, Wyandotte, and Pottawatimie nations of Indians.

1. The sachems, chiefs, and warriors aforesaid, in consideration of money and goods, to be paid to the said nations, by the govern-

ment of the United States, cede to the said United States all title to the lands within the following lines : beginning at the mouth of the Miami river of the lakes, and running thence up the middle thereof, to the mouth of the great Au Glaize river, thence running due north, until it intersects a parallel of latitude, to be drawn from the outlet of lake Huron, which forms the river Sinclair ; thence running north-east the course that may be found will lead in a direct line to White Rock, in lake Huron, thence due east, until it intersects the boundary line between the United States and Upper Canada, in said lake, thence southwardly, following the said boundary line, down said lake, through river Sinclair, lake St. Clair, and the river Detroit, into lake Erie, to a point due east of the aforesaid Miami river, thence west to the place of beginning.

As a consideration for these lands, there shall be paid to the said nations, at Detroit, 10,000 dollars, in money, goods, implements of husbandry, or domestic animals (at the option of the said nations, seasonably signified, through the superintendant of Indian affairs, residing with the said nations, to the department of war), as soon as practicable after the ratification of the treaty ; of this sum 3333 dollars, 33 cents and 4 mills, shall be paid to the Ottoway nation, 3333 dollars, 33 cents and 4 mills, to the Chippeway nation, 1666 dollars, 66 cents and 6 mills, to the Wyandotte nation, 1666 dollars 66 cents and 6 mills, to the Potawatamie nation, and likewise an annuity for ever, of 2400 dollars, to be paid at Detroit, in manner aforesaid : the first payment to be made on the first day of September next, and to be paid to the different nations, in the following proportions : 800 dollars to the Ottaways, 800 dollars to the Chippeways, 400 dollars to the Wyandottes, and 400 dollars to such of the Pottawatamies as now reside on the river Huron of lake Erie, the river Raisin, and in the vicinity of the said rivers.

3. If, at any time, the said nations shall wish the annuity aforesaid paid by instalments, the United States will agree to a reasonable commutation for the annuity, and pay it accordingly.

4. The United States, to encourage the said Indians in agriculture, further stipulate, to furnish the said Indians with two *blacksmiths*, one to reside with the Chippeways, at Saguna, and the other to reside with the Ottaways, at the Miami, for ten years ; said blacksmiths are to do such work for the said nations as shall be most useful to them.

5. The said nations shall enjoy the privilege of hunting and fishing on the lands ceded as aforesaid, as long as they remain the property of the United States.

6. The following tracts, within the cession aforesaid, shall be reserved to the said nations : one tract six miles square, on the Miami of lake Erie, above Roche de Bœuf, to include the village, where Tongadaganie (or the Dog) now lives. Also, three miles square on the said river (above the twelve miles square ceded to the United States by the treaty of Grenville), including what is called Presque Isle ; also four miles square on the Miami bay, including the villages where Meshkemau and Wan-gau now live ; also three miles square on the river Raisin, at a place called Macon, and where the river Macon falls into the river Raisin, which place is about four

teen miles from the mouth of said river Raisin ; also, two sections of one mile square each, on the river Rouge, at Seginsavin's village ; also two sections of one mile square each, at Tonquish's village, near the river Rouge ; also three miles square on lake St. Clair, above the river Huron, to include Machonee's village ; also six sections, each section containing one mile square, within the cession aforesaid, in such situations as the said Indians shall elect, subject to the approbation of the president as to the places of location. Whenever the reservations cannot conveniently be laid out in squares, they shall be laid out in parallelograms, or other figures, as found most convenient, so as to contain the area specified in miles, and in all cases they are to be located in such manner, and in such situations, as not to interfere with any improvements of the French or other white people, or any former cessions.

7. The said nations acknowledge themselves to be under the protection of the United States, and no other power, and will prove by their conduct that they are worthy of so great a blessing.

III. Whereas, by the first article of a convention between the United States and the Cherokee nation, made at Washington, on the 7th of January, 1806, it was intended on the part of the Cherokee nation, and so understood by the secretary of war, the commissioner on the part of the United States, to cede to the United States all the title which the said nation ever had to a tract of country contained between the Tennessee river and the Tennessee ridge (so called) : which tract of country had, since the year 1794, been claimed by the Cherokees and the Chickasaws : the eastern boundary whereof is limited by a line so to be run from the upper part of the Chickasaw Old Fields as to include all the waters of Elk river, any thing expressed in said convention to the contrary notwithstanding. It is, therefore, now declared by James Robertson and return J. Meigs, acting under the authority of the executive of the United States, and by a delegation of Cherokee chiefs, of whom Eunolee or Black Fox, the king or head chief of said Cherokee nation, acting on the part of, and in behalf of said nation, is one, that the eastern limits of said ceded tract shall be bounded by a line so to be run from the upper end of the Chickasaw Old Fields, a little above the upper point of an island, called Chickasaw Island, as will most directly intersect the first waters of Elk river, thence carried to the Great Cumberland mountain, in which the waters of Elk river have their source, then along the margin of said mountain until it shall intersect lands heretofore ceded to the United States, at the said Tennessee ridge. And in consideration of the readiness shown by the Cherokees to explain, and to place the limits of the land ceded by the said convention out of all doubt ; and in consideration of their expences in attending council, the executive of the United States will direct that the Cherokee nation shall receive the sum of 2000 dollars, to be paid to them by their agent, at such time as the said executive shall direct, and that the Cherokee hunters, as hath been the custom in such cases, may hunt on said ceded tract, until by the fulness of settlers it shall become improper.

TABLE OF LAWS.

1. AN act making further appropriations for the support of the navy of the United States, during the year 1807.

2. An act allowing an additional compensation to the secretaries of the Mississippi, Indiana, Louisiana, and Michigan territories.

* 3. An act to change the name of the district of Biddeford and Pepperelborough, in Massachusetts, to that of Saco.

4. An act to appropriate money for the providing of an additional number of gunboats.

5. An act laying an embargo on all ships and vessels in the ports and harbours of the United States.

* 6. An act to extend certain privileges, as therein mentioned, to Anthony Boucherie.

7. An act supplementary to an act, entitled "An act for fortifying the ports and harbours of the United States, and for building gunboats."

8. An act supplementary to the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States."

9. An act extending the right of suffrage in the Mississippi territory, and for other purposes.

10. An act supplemental to an act, entitled "An act regulating the grants of land, and providing for the disposal of the lands of the United States, south of the state of Tennessee."

11. An act to revive and continue in force, for a further time, the first section of the act, intituled "An act to protect the commerce and seamen of the United States against the Barbary powers."

12. An act to provide for the payment of certain expences incurred in the impeachment of Samuel Chase.

* 13. An act for the relief of Oliver Evans.

14. An act to continue in force, for a limited time, "An act, continuing, for a limited time, the salaries of the officers of government therein mentioned."

* 15. An act authorizing the erection of a bridge over the river Potomac, within the district of Columbia.

16. An act to erect a light-house on point Judith, in the state of Rhode Island.

17. An act making appropriations for the support of government during the year 1808.

18. An act making appropriations for the support of the navy of the United States during the year 1808.

* 19. An act to revive and continue certain causes and proceedings in the district court of the district of Columbia.

20. An act making appropriations for carrying into effect certain Indian treaties.

* Acts marked thus (*) are not inserted in the foregoing abstract from their being personal or local in their importance.

21. An act to provide for certain expences incurred in the inquiry into the conduct of John Smith, a senator from the state of Ohio.

22. An act making additional compensation to the marshals of the districts of North Carolina and New Jersey.

* 23. An act for the relief of Samuel Whiting.

24. An act to extend the right of suffrage in the Indiana territory.

25. An act supplementary to the act, intituled "An act to prohibit the importation of certain goods, wares, and merchandise."

26. An act making further provision for the disposal of the sections of land heretofore reserved for the future disposition of congress.

27. An act making appropriations for the support of the military establishment of the United States for the year 1808.

28. An act to allow the importation of old copper, saltpetre, and sulphur, free of duty.

29. An act in further addition to an act intituled "An act to amend the judicial system of the United States."

30. An act for extending the terms of credit on revenue bonds in certain cases ; and for other purposes.

31. An act for procuring an additional number of arms, and for the purchase of saltpetre and sulphur.

* 32. An act for the relief of Edward Weld, Samuel Beebee, and John Davidson.

33. An act in addition to the act, entitled "An act supplementary to the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States."

34. An act remitting the duties on the importation of a monument to be erected in memory of the officers of the United States navy, who fell during the attack made on the city of Tripoli, in the year 1804.

35. An act for erecting a light house on the south point of the island of Sapelo, and for placing buoys and beacons in the shoals of the inlet leading to the town of Darien, and near the entrance of Ipswich harbour, near Plymouth harbour, before the harbour of Nantucket, and on the island of Tuckanuck, at or near the entrance of Connecticut river, and near the entrance of Great Egg harbour.

* 36. An act granting William Wells the right of pre-emption.

37. An act extending the time for issuing and locating military land warrants.

38. An act to amend the act, entitled "An act establishing circuit courts, and abridging the jurisdiction of the district courts of the districts of Kentucky, Tennessee, and Ohio."

39. An act authorizing a detachment from the militia of the United States.

40. An act concerning the sale of the lands of the United States ; and for other purposes.

41. An act farther to prolong the continuance of the mint at Philadelphia.
42. An act authorizing the sale of public arms.
43. An act to raise for a limited time an additional military force.
44. An act to authorize the transportation of certain documents by mail, free of postage.
- * 45. An act for the relief of the legal representatives of Thomas Barclay, deceased.
46. An act to continue in force, for a further time, an act, entitled "An act for the more effectual preservation of peace in the ports and harbours of the United States, and in the waters under their jurisdiction."
47. An act to revive and continue in force "An act declaring the assent of congress to certain acts of the states of Maryland and Georgia."
48. An act concerning public contracts.
- * 49. An act for the relief of Matthew Smith and Darius Gates jointly, and Darius Gates separately.
- * 50. An act for the establishment of a turnpike company in the county of Alexandria, in the district of Columbia.
51. An act to continue in force an act, entitled "An act to extend jurisdiction in certain cases to state judges and state courts; and for other purposes."
52. An act to authorize the president of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto.
53. An act to alter the time for the next meeting of congress.
- * 54. An act for the relief of Philip Turner.
55. An act making provision for arming and equipping the whole body of the militia of the United States.
- * 56. An act to establish certain post roads in the states of Georgia and Ohio.
57. An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making an appropriation for defraying the expences incident to the valuation of houses and lands, and the enumeration of slaves, within the United States.
58. An act concerning invalid pensioners.
- * 59. An act for the relief of George Hunter.
60. An act to authorise and empower the president of the United States to exchange certain lands for other lands more suitable for fortification.
61. An act to make Plymouth, in North Carolina, a port of entry; to change the name of the district of Nanjemoy to that of St. Mary's; and to make Augusta, in the district of Maine, a port of delivery.
62. An act making appropriations for the support of an additional military force, for the year 1808.

* 63. An act authorising the secretary of the treasury to pay to the comptroller of the treasury, in trust, the amount of certain bills drawn by John Armstrong, minister from the United States to the court of France, on the treasury of the United States.

64. An act for the relief of Joseph Chase, Jared Gardner, and others.

65. An act to make good a deficit in the appropriation of 1807, for completing the public buildings, and for other purposes.

66. An act in addition to the act, entitled "An act laying an embargo on all ships and vessels in the ports and harbours of the United States," and the several acts supplementary thereto; and for other purposes.

67. An act supplementary to "An act regulating the grants of land in the territory of Michigan."

* 68. Resolution to authorize the disposition of certain charts of the coast of North Carolina.

69. A treaty between the United States of America and the Mingoes, chiefs, and warriors of the Choctaw nation of Indians.

70. A treaty between the United States of America and the Ottawa, Chippeway, Wyandotte, and Pottawatamie nations of Indians.

71. Supplemental convention between the United States of America and the Cherokee nation of Indians.

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REPORT

OF A

COMMITTEE OF THE HOUSE OF REPRESENTATIVES

ON THE

MEMORIAL OF CERTAIN MERCHANTS OF PHILADELPHIA.

HOUSE OF REPRESENTATIVES, JANUARY 13, 1808.

THE committee of commerce and manufactures, to whom was referred the memorial of William Haslet and others, merchants and traders of the city of Philadelphia, respectfully submit the following report:

STATEMENT OF THE CASE.

The committee entertain no doubts, that the facts are justly and correctly stated in the memorial. The object the memorialists have in view is to obtain permission for their vessels to proceed on their respective voyages.

The cargoes consist principally of flaxseed, an article depending on a speedy exportation to ensure its value. The memorialists place great reliance to obtain the permission sought, on the hardship of their cases, and also on the ground of having procured clearances for their vessels, from the custom-house, to proceed on their voyages, previous to the passage of the act laying an embargo.

REPORT.

While the committee view, with becoming sensibility, the distressing situation in which the memorialists are placed, while with them they deplore and deprecate the events which have brought to a pause the commercial intercourse of the United States with foreign nations, they cannot give their assent to the opinion, that the cases of the memorialists are entitled to exemption from the inconvenience and hardships, if not the losses, which result from a general embargo. The committee cannot see any reason why the cases now under consideration ought to be discriminated from those of other citizens. They cannot perceive how the mere compliance with the usual form of taking out clearances for vessels to proceed on their voyages can invest the memorialists with any distinguished privileges. From the distressing condition of the American commerce, liable, in its peaceful and inoffensive pursuits, to aggressions and outrages from the belligerent nations of Europe, it became the indispensable duty of congress to inhibit, by an embargo, the departure, on foreign voyages, of our seamen, our vessels, and merchandize. The republic feels vitally

those injuries which arise from the impoverishment of its citizens, and from the deprivation, by illegal impressments and detentions, of its mariners. The strength of a republic resides in the citizens it can number, and in their patriotism and valour. Impotent and inefficient would that government be, without the investiture of powers, in extraordinary crises, to control and restrain the persons or pursuits of the citizens. Such a government, destitute of that natural and irresistible impetus and energy, indispensable to its preservation, would crouch to, and sink under the first blow that should be aimed at it. The enlightened and virtuous patriots who framed the constitution, foreseeing the trials and conflicts the United States would have, in their political progress, to encounter, infused into that instrument all the vigour essential to the accomplishment of the end for which it was designed: the happiness and salvation of the nation. That the extraordinary powers here spoken of, and contended for, are given to congress by the constitution, cannot be denied. The acts of congress recorded in the statute book, long acquiesced in by every description of citizens, afford a conclusive argument in support of the right to exercise those powers. The acts alluded to, are the embargo laid in 1794, and the several laws passed the 28th of February 1806 and 1807, to suspend the commercial intercourse between the United States and certain parts of St. Domingo.

The embargo laid in 1794 operated alike on all vessels, whether they were or were not cleared out prior to the time it was enforced; nor has such a distinction ever received the sanction of any nation, the peculiarity of whose situation imposed an embargo as an act of imperious necessity.

With equal grace, and the same justice, could the farmer and planter, the mechanic and manufacturer, put in their claim to exemption from the sacrifices which they are offering on the altar of patriotism; assigning as a reason for the exemption, that the products and articles of their respective vocations were the acquisitions of their skill and industry, previous to the existence of the act laying an embargo; and that they have the right, if they should think proper to exercise it, to export those products and articles to foreign markets. If the position of the memorialists be sound, it would be absurd in the extreme ever to lay an embargo, as it never could be brought into action at the time when all the energies of such a measure were required for the public safety and welfare.

Were vessels permitted to proceed on foreign voyages, congress would deservedly merit censure for inconsistency, and for wanting dignified stability and firmness in the day of trial. The committee can never be induced to recommend a policy nerveless and without a character, while they maintain a due regard and devotion to national honour and to national interest.

The attention of the committee having been directed to the memorial of the merchants and traders of Philadelphia, by an order of the house of representatives, they feel themselves constrained, in deciding on the embargo cases before them, to take a transient view of the

causes which led to that measure, and to express their opinion of the necessity imposed on the United States, of adhering to it until proper assurances are given that their neutral rights shall be respected. Those who have bestowed any thoughts on the state of affairs in Europe must have contemplated as probable a measure of this kind, on the pressure of inauspicious events.

The love of domination and the cupidity of commercial monopoly have regularly and undeviatingly been producing and maturing this extraordinary crisis, in which, without their accord, the United States are unhappily involved. If a wise and prudent policy, tolerating and countenancing no measure or practices which could compromise the peace or interrupt the harmony of the United States with any of the belligerent nations of Europe, could have preserved to them the advantages of an honest and impartial neutrality, our citizens and merchants would not now be lamenting that languor and inactivity, produced by a suspension of commerce. Congress had it in its option either to permit the continuance of commerce, or to resort to the secure and precautionary measure of an embargo. If the continuance of commerce had been preferred, congress, from the existing state of things, would have been compelled, with an inadequate marine force, to afford some sort of protection to it, or to allow private ships to arm for their defence. If such a step had been taken, war must have ensued: if resistance to the execution of the decree of France, bearing date November 21, 1806, or of such orders as should be issued by the British cabinet, in conformity to the retaliating power contended for in the note of lord Howick to Mr. Munroe, of the 10th January, 1807, and of the proclamation of the 16th October, 1807, could produce it. In this state of affairs between the United States and the nations of Europe, a permission to arm private ships would be tantamount to a declaration of war. Individuals who had been injured by either of these nations, or who might be influenced by narrow prejudices, or short-sighted views, would have it in their power to plunge the United States, without their consent, into a war with one of the belligerent nations, and to pave the way to an alliance with the other. From these considerations a preference was given to the embargo. On the 18th December, 1807, the president of the United States addressed a confidential message, since published, to the senate and house of representatives, as followeth:—"The communication now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandize are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of the greatest importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of congress, who will doubtless perceive all the advantages which are to be expected from an inhibition of the departure of our vessels from the ports of the United States." This message from the executive magistrate, whose province it is to preside over our foreign relations, received from congress that immediate and prompt attention which was due to its importance.

The evidences of dispositions manifested, and of measures adopted and in execution, by the belligerent nations, left no doubt on the mind, of the certain prostration of neutral commerce. The embargo was laid as being the safest course; it was considered as the best means that could be resorted to for the protection of our citizens, and for the preservation of our vessels and merchandize. It was a measure that resulted from much deliberation. That it is the best which congress could devise or adopt, is the solemn and profound conviction of the committee, on a review of the whole ground. No charge of partiality can be brought against it, as all nations are placed on an equal footing, their vessels being at liberty to enter our ports and to depart at pleasure. The embargoes laid in Europe, since the year 1793, never excepted from detention American vessels. The belligerent nations cannot raise the voice of complaint, as their injustice has made this precautionary measure an act of necessity. Should the embargo be rigidly persevered in, the advantages to be derived from its adoption will amply repay all the sacrifices made to obtain them. New and important treasures, heretofore neglected, will be brought to light, and, what is more important, into use. The United States, regenerated by their own energies, will acquire a confidence in, and a reliance on their own resources, without which it is in vain to endeavour to give effectual and commanding protection to the rights of the citizens and those of the republic. The embargo, by teaching foreign nations the value of American commerce and productions, will inspire them with dispositions to practise justice. They depend on this country for articles of the first necessity, and for raw materials to supply their manufactories. The embargo will have no inconsiderable influence in breaking those municipal fetters which circumscribe the motions and liberty of commerce.

The committee are persuaded that the national legislature has endeavoured sedulously to perform the duties assigned to it by the constitution, in a manner to comport with the honour and welfare of a great and free people. The stand which a dispassionate judgment recommended and approved has been taken. The issue is in the hands of that God, who has never ceased pre-eminently to manifest his love to these United States; and whatever may be that destiny which his all-wise and superintending Providence has allotted for them, whether it is to be their happy lot to arrive at that destiny under the guidance and auspices of peace, or whether it is decreed that they shall pierce through war to reach it; to acquiesce with dignity and firmness becomes a duty. Despair can never dwell in the bosom of liberty. That God who led the United States victorious to independence has given strength to and inspired them with courage to maintain and perpetuate it.

The committee recommend the adoption of the following resolution:

Resolved, That the prayer of the memorialists, merchants and traders of the city of Philadelphia, is unreasonable, and ought not to be granted.

JOURNAL
OF A
VOYAGE BETWEEN CHINA
AND THE
NORTH-WESTERN COAST OF AMERICA,
MADE IN 1804.

SUNDAY morning, the 8th of February, 1804, I left Canton, and arrived, in the evening, on board the *Delia Byrd*, a few leagues below Whampoa; we got immediately under weigh, and arrived the next evening at Macao, where we anchored in four fathoms. The next morning I sent the boat ashore with an officer, to bring off an Otaheite girl, wife to my carpenter's mate, whom I had agreed to take on the voyage. The next morning we again weighed, and launched out on a most difficult, and, as it finally proved, a most disastrous voyage. In the first place, my ship was so leaky that she required pumping every ten or fifteen minutes; we had a stormy coast to beat up against the monsoon; and then to grope our way through an unexplored ocean to the north-west coast of our continent. On the 7th of March, we had advanced as far as the south end of Formosa. This short passage, which may be effected in three days with a favourable wind,

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cost us an infinite deal of trouble; we had a constant contrary gale, in which the ship suffered very considerable damages in her sails and rigging. During this passage we were constantly near the coast of China, and were always surrounded with numerous fleets of fishing vessels. These junks are about twenty-five tons burthen, of an uncouth construction, but they sail remarkably well. Several of them beat us when we were under double reefed top-sails. They cruize by pairs, dragging between them a large bag seine, which is occasionally hauled in to secure the fish. We ran very near some of those fishermen, and I observed large families of women and children on board. Men born and brought up in this way must make excellent seamen; and should China ever, in the course of events, become a maritime power, their fisheries would be no contemptible beginning towards a navy.

The 7th of March we had, for

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the first time since our departure, fine pleasant weather and a fair wind. We passed between Formosa and Betol Tobago, when I discovered another island, lying ten leagues further north than the latter. As this island is not marked on any chart, and being on a very unfrequented track, I presume it has not been seen by any navigator before me; therefore I named it after my partner and friend, Mr. Cleveland. I continued my voyage with great apprehension through this unexplored sea, with a tolerable proportion of favourable winds, and on the 13th saw the island of *Lieukieu*.

This is a large populous island, chief of a groupe lying between it and Formosa, and subject to China. Its inhabitants are highly civilized, and, like the Chinese, carry their origin back to the remotest antiquity. It is not governed as a province of China, but by their own natural sovereigns, who, on account of their prompt submission to the Tartar emperors of China, were left in the full enjoyment of their power and privileges, nothing being required of them but a trifling annual tribute, by way of acknowledgment of their dependence. It is reported that the arts and sciences are here as far advanced as in China; and, had I been successful on my voyage, it was my intention to visit this island on my return to China. On the 18th I saw the island of *Todos Santos*: this is a small uninhabited island, about leagues distant from the southern coast of Japan. We had now got entirely out of the regions influenced by the trade winds and monsoons, and, in consequence, our voyage towards the American continent was continued with great rapidity,

though not with much comfort, as we had very stormy weather, and a constant succession of hard westerly gales. On the 1st of May we arrived off Columbia river, without having experienced any material damage except springing our foremast, which was also much decayed; and it was my intention to have entered this river to procure a new one, and some other spars that we were in want of, and which are very abundant there; but, during eight days that I plied off the river, the weather was so tempestuous that I never dared to attempt crossing the bar, on which the sea broke with horrible fury.

Columbia river was discovered by captain Grey, of Boston, commander of the *Columbia*, in 17—. It is a noble river, and the only considerable one on the western side of our continent; the latitude of its mouth is $46^{\circ} 20'$ north. It is supposed to be the "Oregon or river of the west" of Carver, and that its sources are near those of our *Missouri*. The rapid current of this great river, meeting the swell caused by the westerly winds, that have the whole sweep of the ocean from Tartary to the American continent, forms a bar at its mouth, which is always difficult, and sometimes dangerous to pass.

On the 9th of May, I proceeded down the coast in search of a port of less difficult entrance. Nothing can exceed the wild beauties of this coast. Its mountains, rising in magnificent amphitheatres, covered with evergreen forests, with here and there a verdant plain near the shore, and a snow-capt mountain in the back ground, offer a view grand and sublime in the highest degree. Here nature

reigns undisturbed. The slow progress of the savages towards cultivation has hardly raised them above the condition of brutes: except the human form and the use of language, there is little to distinguish them from the four-footed inhabitants of their forests, with the cruelest of which their dispositions seem congenial. Yet, among these rude savages may be seen a proof, that man, in all countries, in similar situations, is led by necessity to similar inventions. Here the primitive arms, the bow and arrow, the spear and the dagger, are the only offensive arms; and the shield of raw hide, of the savages of the old continent, is here found under the form of a jacket of moose skin, more simple perhaps, but answering the same purpose. The latter is universally adopted by the Spanish troops on their frontiers, as the most convenient defensive armour.

The 11th, we arrived at the harbour of Trinidad, and moored the ship in seven fathoms, sandy bottom, and commenced a trade for furs with the Indians. They appeared to be very civil; and I endeavoured to conciliate their good-will by every means in my power: to what effect will be seen hereafter. In the mean time, we began our preparations to wood and water, and I went ashore with the carpenters in search of spars, which we soon found in sufficient abundance, and the latter were immediately employed in felling a large spruce, and reducing it for a foremast. The 13th, the savages came on board in great numbers, and, presuming on our indulgence, began to take greater liberties than they had heretofore done, and, on being

checked, they immediately prepared their arms. Conscious of our superiority, I did not permit any violence to be offered them, and they were prevailed on to leave the ship; but I determined not to suffer them to come aboard again in such numbers with arms. A number of them were equally troublesome to our wooding party ashore, and even attempted to seize on their axes. Every thing was finally settled, however, by means of some trifling presents, and harmony again restored. The 14th, I sent the second officer with an armed party a watering; unfortunately the surf was high, and they got their arms wet at landing. The Indians had been reinforced by some neighbouring tribes, and began to gather round, demanding pay for the water: they were at first satisfied by assurances of being paid aboard, but, as their numbers increased, they became more clamorous, and, finally, sending away their women and children, they seized the water casks, which they immediately stove for the hoops. The officer, seeing their hostile disposition, and the bad state of his arms, very prudently retired, without any resistance to their violence. On the report of the second mate, I ordered a four pounder to be fired just over their heads, to intimidate them, by showing the effect of our shot. In the mean time, a canoe came off from the village to trade, as if nothing extraordinary had happened. I was extremely irritated at such conduct, after the great pains I had taken to conciliate their friendship, and ordered four of them to be seized and confined in irons. In the course of the day, several canoes came off to treat

for the prisoners; I always demanded, as an indispensable condition, that the casks should be returned; they gave me to understand that they had been seized by another tribe, but, by their bringing four of the hoops, and some staves, I was satisfied that they were at least concerned in the outrage, and refused all their solicitations on any other conditions. Wood and water were absolutely indispensable, but the mast lay so far from the beach, that I judged it dangerous to attempt getting it down, after the savages had become so numerous, and showed such hostile dispositions. In the afternoon, I sent two officers with the boats and ten men well armed, to the watering-place opposite the village; the long-boat with six men were stationed in the edge of the surf, within pistol shot of the beach, and the others went ashore to fill the casks. The savages suffered them to finish their work; but, as they were shoving off the boat, which lay aground, they ran down in a long file, firing a cloud of arrows as they approached; they returned them several volleys from the long-boat, which the savages stood with great resolution, and did not retreat until several of them fell, when they were within ten yards of our men on the beach, who were unarmed. They received a number of arrows in their clothes, but none were hurt. I now saw there was no way to get wood and water, without fighting for it, and made preparations to land again the next morning. Early on the 15th, I went, with two boats well armed, to the watering-place; the savages showed themselves in every direction, howling hideously, I sup-

pose for the death of some of their companions, but did not seem discouraged. I disconcerted all their plans, however, by taking possession of a rock within ten yards of the shore: its top was flat and spacious, and commanded the whole shore, the village, and every lurking place, within a sufficient distance to ensure the safety of the working party in the most complete manner. Here I placed a detachment of three men and an officer, with orders to fire on every savage that should show himself. This disposition of our force had the desired effect; after a few shots they all retired, and suffered us to pursue our work in peace. Had we suffered them to assemble within reach of our guns, there is every reason to suppose they would have ventured another attack, in which numbers of the poor wretches must have fallen victims to their blind temerity.

In this manner our work advanced apace; and being convinced that the keeping our prisoners any longer could now answer no good purpose, I set them at liberty, telling them, by signs, that they and their tribe must all remove back until we were gone. I believe the poor wretches had begun to despair of ever seeing their friends again, though we treated them with all possible indulgence while in our power. As soon as they landed, the savages entirely disappeared. I am certain that our conduct with these people will be attended with salutary effects to any other ship that should ever visit this port; as, notwithstanding our having acted entirely on the defensive, we have convinced them of our superiority, and shown that we had no wish to injure them wantonly, but that we were able,

if we chose, to take the most complete vengeance for any insult. On the 16th, I sent ten men well armed, with two officers, into the woods for some small spars. Unfortunately the second mate let a tree fall on him, and broke his thigh. He was brought on board senseless; I immediately bled him, which brought him to, when I set the bone and applied the bandages *secundum artem*. The savages again made their appearance on the hills, so that I thought it most prudent not to expose the men any more after our misfortune, by sending them into the woods, which afford so many lurking places. The Indians appeared desirous to make peace, and several of them came aboard to trade as usual; but we did not on that account relax from any of our precautions. In the afternoon I sent the boats to finish watering, when our fortress on the rock was still found to be necessary, as, notwithstanding their friendly demonstrations in the morning, the savages fired several arrows at our working party; but the fire at the rock kept them at too great a distance to do us any mischief. On the 18th, with clear pleasant weather, we unmoored and left Trinity. At noon, in latitude $40^{\circ} 49'$ north, saw cape Mendocino ahead, and the port we left astern.

Trinidad is a small bay of about three miles circuit, situated in latitude $41^{\circ} 3' N.$, on the north-west coast of America. It was discovered by the Spaniards, in 1775, and was visited and surveyed by captain Vancouver, in 1793. The soundings are very regular, as you enter the bay, from twenty-five to four fathoms, which last depth is found within a cable's length of the shore. The bottom is a clean

black sand, with a small mixture of shells; it is entirely free from rocks, except a border of less than a cable's length from the beach, that runs quite round the bay. This bay is formed by a high rocky point, running from the northward in a direction of about south by west; within, it forms an elbow, and makes a snug cove, about three-quarters of a mile deep. In the same direction, off the point, lies a high white rock, within which and the point is the best entrance; and in about a north-west direction from the point lie three rocky islets, and a range of sunken rocks, extending several miles from the land, which, with the white rock, break the swell, and render it quite smooth in the cove, where several ships may lie moored head and stern in a clear bottom, in the most perfect security. This bay is bordered by a rocky shore, with sandy beaches at intervals; behind this, the land rises very quick for about 100 yards, which space is thickly covered with brakes, nettles, strawberry vines, clover and other herbage, and shrubbery. The top of this elevation is a plain, gently rising, and covered with a thick forest of cedars, fir, hemlock, and spruce. A little way in, the trees grow to an enormous height and size, particularly the cedars, many of which shoot up like beautiful columns, above eighty feet, without a limb or twig. Behind these, the mountains rise to a great height, and are covered with evergreen forests, that are probably coeval with the soil that nourishes them. This high land is split, at intervals of about a quarter of a mile, by deep gullies, down which flow streams of excellent water into the bay. These

gullies are impenetrable by reason of the thick growth of underwood and timber; the former is principally alder, which may be cut at the entrance of the gullies, and is the only wood that can be easily procured at Trinity. A little within, the forest is pierced in every direction by paths made by the moose deer, which seem to abound here.

On the side of the hill, at about the middle of the bay, stands the Indian village; it consists of about a dozen huts, built of a very rude kind of planks, made by splitting the ancient trunks of the fallen cedars with wedges. They are wretched hovels, partly under ground, and each affords a doubtful shelter to several families. The savages inhabiting this village can, I think, hardly exceed 100 persons; they are of the middle stature, and of a strong robust appearance; there is a considerable variety of countenance among them; and I observed several of both sexes, who, if divested of their filth, might pass for handsome. I remarked one man among them whose skin was perfectly white; he had nothing in his countenance peculiarly Indian, and his hair was sandy. This man appeared to be about thirty-five years of age. They are all clad more or less with skins of different animals; the women with great modesty, but the men totally disregard it, generally wrapping what skins they wear round the upper parts of their bodies. They are very fond of ornamenting themselves, and with that view greatly disfigure their persons, by tatooing and painting. One of their women offered me a piece of red ochre in exchange for a string of beads. I observed

several among them, of both sexes, who had their teeth filed down even with their gums; whether by way of ornament, or for what other reason, I could not discover. The men wear their hair clubbed behind, which they increase in size by false hair; the married women divide theirs into two equal parts, which they form with a variety of ornaments into two enormous *queues*, that hang down before; the young girls have their hair simply combed and cut short round the forehead; they have of course a much more interesting appearance than the matrons. The men were very jealous of their women; and, whether it was from fear or chastity, the latter rejected all the offers made them by our sailors, though some must have been of immense value in their estimation. Fish are not abundant on this part of the north-west coast, except during the periodical visits of the sardina or anchovy; and although their forests swarm with deer and other animals, their rude arms render the chase of very doubtful success, so that they are forced to live principally on shell fish; their bay furnishes them a never failing supply of muscles, and the monstrous heaps of shells near their dwellings testify that they constitute the principal article of their diet. Their manufactures are, very tolerable leather, made of moose and deer skins, and a variety of baskets, made of the inner bark of the cedar and spruce trees: these are water tight, and serve them for caps as well as domestic purposes. Their arms are also of their own manufacture; they consist of bows and arrows, pointed with bones and flints, spears and daggers of wood and iron;

the latter are rude, being formed from pieces of iron obtained directly from foreigners, or by trade with more fortunate tribes: in their fabrication, a large stone serves for an anvil, and a smaller one for a hammer. Their bows are about three feet in length, made of light wood, and very ingeniously strengthened with whale sinew, glued to the back: in the use of this arm they are very dextrous. Their canoes are of very simple construction: they are square at each end in the form of our river fishing boats, and are capable of carrying about fourteen persons. As these savages are hardly emerged from a state of nature, their language is of course barely sufficient to express the most common ideas; I was only able to learn three words of it, which seemed to be of very general signification, and, with the assistance of signs, were sufficient to make myself understood by them.

I could not discover that those savages had the least idea of culture; yet they had a plenty of tobacco, which they smoke out of a wooden tube. It is possible they may obtain it in trade from some more civilized tribe of the interior.

These people, at first, utterly disregarded our fire-arms. They did not excite in them the least curiosity, although I took the precaution, when we first arrived, to show them their effects, by firing a cannon with shot against the rocks, and by killing several birds in their sight with our small arms. In our first skirmishes, they attempted to shield themselves against our shot with pieces of boards and moose skins, and it was not until several of them had paid severely for their presumption, that they began at all to respect

our fire. At first, I attributed this temerity to natural bravery; but I afterwards found it was rather stupid ignorance, as, when experience taught them that they were in danger from our shot, they kept at a wary distance.

Those poor savages greatly admired Harriet, and when we were at peace she had a constant train of admirers round her. The young bucks were at great pains to paint and decorate themselves to please her; one of them carried his gallantries so far as to present her with an otter skin: a striking instance of the influence of the fair sex on man, in his rudest state.

On the 23d, we arrived on the coast of California, where I got abundant supplies of provisions, and began a trade with the missionaries and inhabitants for furs. We continued on the coast of California until the 8th of July, when we sailed for the gulf of that name. On the 13th, off Ceras, we fell in with an English whaling ship from London. The captain dined with us; and, as we were mutually in want of sundry things that we were able to supply each other with, I ran in and anchored along side of him. This gentleman was very friendly and polite, and, as he had his wife with him, who was also a very genteel woman, I spent a day with them in a most agreeable manner. On the 22d of July, we doubled the point of California, and, proceeding up the gulf, arrived at the port of Guimas the 2d of August.

Guimas is a large commodious port, in the twenty-eighth degree of north latitude, on the continent side of the gulph of California. It is entirely desert, and sixty miles from any settlement. The whole of this country, from its re-

mote situation from any commercial port, is very badly supplied with goods, and, from the great abundance of gold and silver in it, they are no where in greater demand. But our evil genius had so ordered it, that the same intelligence that informed the merchants of my arrival, informed the government also, who immediately took the most effectual measures to cut off all communication with us. Being, however, in a still harbour, we hoisted out our foremast, and fished it with the timber we got in California; but I found it in so bad a state, that all we could do was to botch it up so as to serve for a time only. We also examined the ship's bottom, and had the mortification to find that the sheathing was fast going, by the myriads of worms that had lodged themselves in it. A short time after our arrival, there was a large body of troops stationed at Guimas to prevent all communication, which, with the wretched state of the ship, determined me to go over to the California side of the gulf, in search of a port where I could give her a more thorough repair. On the 18th of August, the ship was again rigged and ready for sea, and we accordingly sailed in the evening.

During our stay at Guimas, the Spanish officers had behaved with great civility, though rigid in their duty; they often dined aboard, and frequently invited me to their quarters ashore, which I declined accepting, not caring to place myself in their power. On the 19th, I anchored off the mouth of the river Yaqui, where I intended to water, as it was very doubtful whether we should find any on the barren shores of California. We had only time to get on board eight

hogsheads of water, as there came on a very violent gale from the southward, which lasted three days with little intermission. Although the ship rode very easy with the whole of the sheet cable, I had serious apprehensions for our foremast, which worked very much in the heavy swell that rolled in. On the 23d, the weather again resumed its usual serenity, and we sailed from Yaqui. On the 27th, we arrived on the coast of the peninsula, among an extensive range of islands, of the most barren, uncomfortable appearance. Here I anchored in a small bay, and sent the chief officer to explore the coast to the northward for a more convenient port. He returned the next morning, and reported that he had found one every way answering our wishes, at which we arrived the same day, and anchored in thirteen fathoms, sandy bottom, within pistol shot of the shore. This port was entirely land-locked and perfectly smooth, consequently very commodious for our operations. Our situation in one corner of it was also such a one, in a military point of view, that we could defy the whole force of California, except they should bring a superior force by sea.

The 29th and 30th we landed all our cargo, and erected tents ashore for our accommodation, when we began to careen our ship, and finished the repairs on her bottom by the 12th. In the mean time we were visited by our friend the missionary, from a mission about forty miles distant, who brought us fruit and other refreshments; he also showed us a spring of water in another corner of the bay, to which, after relading our cargo, we immediately removed the ship. Here, on account of the

stormy weather in the gulf at this season, and the infirm state of our foremast, we were obliged to remain until the 1st of October, which time we employed in putting the ship in as good a state of repair as circumstances would admit of.

This bay is called, by the Spaniards, *Bahia de los Angeles de Resguarda*, or bay of the guardian angels. It forms a very extensive and commodious port; it affords plenty of fish, crabs, and clams, and one spring of fresh water, sufficiently copious to water a ship at. In every other respect, it is the most dreary wilderness possible to imagine. In no direction is there any thing to be seen more cheering than dismal barren islands, rocks, and mountains, whose only inhabitants are sea fowl and foxes. The weather, in the summer season, is intolerably hot here during the day, but the nights are delightfully cool and pleasant. The latitude of this dreary place is 29° north. From the Angels we proceeded to another bay on the continent, called Mazatan, in latitude $23^{\circ} 9'$ north, where we met with the same difficulties and impediments to our business as at Guimas. We left it on the 18th, and arrived at the south point of California the 24th, when we anchored in Punto Siguro, a famous rendezvous of the buccanniers in the last century. We watered at this place, and left it on the 9th of November, and then proceeded down for the coast of Guatemala. On the 24th December, I arrived at Conchagera on that coast. Here I had the good fortune to be uninterrupted by the Spanish government during a fortnight, which time I employed in getting a new foremast,

and making sundry commercial arrangements. This calm, however, was at last interrupted by the arrival of some Spanish officers and large detachments of soldiers; but we were then in a situation to fear nothing from them. They made a great parade, after finding that I would not trust myself in their power, and threatened to board the ship in their boats. We on our part made every preparation to defend ourselves; and I sent them word by a flag, that I would sink any boat that presumed to approach the ship in a hostile manner. Finally, after convincing themselves that their gasconading was without effect, they requested permission to come on board in a friendly manner, without arms. I agreed to it; and they sent several officers to make some frivolous inquiries as to who we were, what our wants were, &c., in order, as they said, to make a report to their superiors. These gentlemen had an opportunity of satisfying themselves that our armament was sufficient to repel any force they could bring against us, and, pretending to have been in an error as to our designs, gave us permission to supply ourselves with every thing we were in want of, and withdrew their troops from the town. On the 14th of January, 1805, I was ready for sea, and sailed for the coast of California.

The bay of Amapalla, or Fonscia, is a very extensive inlet, on the coast of Guatemala, running in north, and spreading away east and west, between two peninsulas. Its western cape is in latitude $13^{\circ} 15'$ north, and from thence over to the other cape, called Punta Harinas, is about eight leagues. There are many islands in this bay; the

most considerable of which are, Conchaguita, that forms a channel with the western shore, of about three miles width; Mangera, east from the latter, three miles distant; and Tigre, about four miles north of Mangera. These islands are high and thickly covered with verdant forests; Tigre is the highest; its top runs up to a peak, and is bare. In a direction of about S. E. from Mangera, three or four miles distant, are two rocks, called the Farellones. About N. W. from Conchaguita, five miles distant, is a low rocky point, that forms to seaward a fine sandy bay, where once stood the city of Amapalla; round the point, the bay runs up to the westward, and makes the fine harbour of Conchagua. On its left margin going in, stands, in a pleasant situation, the city of San Carlos, if a miserable village of about fifty mud huts deserves such an appellation; it is, however, a city inhabited entirely by mulattoes, and governed by a corporation of two *alcaldes*, two mayors, two *rigidors*, and four *alguazils*, all of them carrying the distinctive badges of their magistracy. This harbour is capable of receiving above a thousand sail of ships, with from five to three fathoms strong muddy bottom. This part of the bay branches out into a number of creeks, navigable for boats, and even small vessels, where an abundance of timber may be had, and fine mangroves, fit for masts for the largest ships: they also serve as *embarcaderos* to the planters.

The eastern part of this immense bay, according to the best information I could obtain, is very shoal: the port of Pueblo del Vijo, situated on that side, was once ca-

pable of receiving ships, but is now choaked up with mud; it serves at present for shipping and receiving, in large canoes, the goods that pass between Granada and Leon, and Guitimala and the other commercial towns on the western side.

This bay may be known by the very remarkable volcanic mountain of San Miguel, which stands to the westward, a good way inland; it is round, very high, and square at the top. The entrance is clear and safe any where between the western shore and the Farellones; but as the harbour of Conchagua is the only safe place in it, on account of the strong northerly gales that blow here at full and change, the western channel should always be preferred; keeping as near mid channel as may be, there will be found not less than five fathoms at low water. From abreast of the island to the point, it deepens to twenty fathoms, and then gradually shoals again: calculations should be made for the tides, which are very rapid and regular: at full and change, it is high water at the point at two o'clock. To the northward of Conchaguita there are several other islands, over to which there is but two fathoms at low water, so that, coming into Conchagua by either of the other channels, a ship would have to cross that shoal, which may be avoided by taking the western entrance. At present none of the islands of this bay are inhabited, except Tigre and two small ones near it, where there are cattle; they were abandoned, together with the city of Amapalla, on account of the depredations of the buccanniers, and now exhibit no vestige of former improvement. The only towns

now existing contiguous to these shores are, San Carlos, before mentioned, and Conchagua, an Indian village, not far distant from the former. Three leagues from the port is the small town of San Alexo, a place of inconsiderable consequence; and six leagues further is the city of San Miguel, the latter containing from 5000 to 6000 inhabitants, and is a place of considerable wealth and trade.

The fruits of this country are those common to the tropical regions, and are exquisitely fine of their kind. They have, as in all the Spanish American settlements, a great abundance of cattle. Indian corn is the grain most in use among them, and they raise wheat in sufficient quantities for their own consumption. In commerce, indigo is the staple production of the country, and is of a quality superior to any other. There are very few slaves in this province: the lands are almost entirely cultivated by free hands.

The climate, from October to May, is dry, pleasant, and healthy; the rest of the year they have abundant rains; but, on account of the strong winds from the mountains, which blow generally at full and change of the moon, and purify the atmosphere from the putrid exhalations from the numerous marshes, they are free from any malignant disorders. Tertian fevers are however very prevalent in that season. Near the point of Conchagua there are hot springs, which seem to be strongly impregnated with sulphur: the inhabitants informed me that they had found relief from rheumatic pains by bathing in them. The inhabitants of this country, having little communication with Europeans, have a greater simplicity

of character than I have observed any where. They are kind, hospitable, and friendly to strangers, but among themselves are envious, and much given to tattling. During my short stay with them, I learnt all the anecdotes of their society, and rarely heard them speak well of each other. This diabolical passion seems inseparable from the human mind. These poor people are almost universally infected with the venereal disease; they have no physicians among them, and consequently perish miserably; though they are so accustomed to it, that they give themselves very little uneasiness about its consequences. Neither is this apathy confined to the ignorant country people: several Spaniards from San Miguel showed me the ravages of this scourge of the human race on their own persons, and spoke of it with the greatest *sang froid* imaginable.

On the 24th of February, I arrived without any remarkable occurrence on the coast of California, where we got plentiful supplies of provisions as usual, and were not unsuccessful in our collections of furs. The 14th of March, I paid a visit to the island of Santa Catalina, where I had been informed, by the Indians, that there was a good harbour. We remained there a few days only, to ascertain that point. We found the harbour every thing that could be desired, and I determined that, after collecting all the skins on the coast, I would return to it and careen the ship, which she was by this time greatly in want of. After completing our business on the coast, we returned to Santa Catalina, and anchored in the harbour on the 1st of May. As I

was the first navigator who had ever visited and surveyed this place, I took the liberty of naming it after my much respected friend, M. De Roussillon. We warped the ship into a small cove, and landed the cargo and every thing moveable, under tents that we had previously prepared for their reception. The Indian inhabitants of this island, to the amount of about 150 men, women, and children, came and encamped with us, and readily afforded us every aid in their power.

After caulking the ship's upper works, and paying, or rather plastering them with a mixture of lime and tallow, as we had no pitch, tar, or any resinous substance on board, we careened her. We found her bottom in a most alarming state: the worms had nearly destroyed the sheathing, and were found to be lodged in the bottom planks. I was now pretty well assured of what I had long before feared; that is, that she would not carry us back to Canton. We, however, repaired the first side in a tolerable manner, and paid it with a thick coat of lime and tallow; righted and hove out the other side, which we found far worse than the first. The keel and stern-post were nearly reduced to a honey-comb. It was necessary to heave her far out, in order to apply effectually such remedies as were in our power, but unfortunately we hove her rather too far, and she upset and filled. This was a sad misfortune. It did not discourage us, however, and we went to work with spirit and resolution to remedy it, and had the satisfaction of righting her the next day, without apparently having suffered any material damage. The day following

we pumped and bailed out the water, and the day after hove the ship out a third time, but had the misfortune to find her leak so bad, that we were obliged to right her immediately. I next determined to lay the ship ashore at high water, and endeavour to repair her when the tide should leave her. This experiment was tried without effect, as she buried herself so much in the sand, as to put it out of our power to do any thing effectual; but the greatest misfortune was, that, as the tide came in again, we found the ship leak so bad, that both pumps were necessary to keep her free. This demanded an immediate remedy; and as the leak was known to be aft, I ordered the mizen-mast to be cut away in order to come at it. The leak was soon discovered by this means, but so situated that we could apply no other remedy than the lime and tallow that had been previously prepared for her bottom; this, mixed with oakum, was driven down on the leak, and we had the satisfaction to see it reduced by these means to one pump by the time she was afloat. We now burnt a large quantity of lime, which we made into stiff mortar, and put on the first, laying a platform of boards over it, and covering the whole with several tons of stones, to keep it firmly down. This new method of stopping leaks we found to answer very well, as, in the course of a few days, when the mass had consolidated, the ship made very little water. By the 9th of June, the ship was again rigged with a jury mizen-mast, our cargo on board, and we were again ready for sea. On the 12th, we bid adieu to our Indian friends, and left Port Roussillon with the intention of run-

ning down the coast, and, if we found the ship not to leak so much as to be unsafe, to run for the Sandwich Islands, where I determined to leave her, and to take passage in some north-west fur trader for Canton.

As one of the most important events of our voyage took place at the island of Santa Catalina, and our long stay there gave us an opportunity of observing the manners and genius of its inhabitants, I shall here subjoin a brief description of them: to this I shall also add a general account of California, composed from such information as I collected during my voyage to that coast.

California is the northernmost and latest of the Spanish establishments in America. The origin of its name is unknown; it most probably was taken from some term in the native languages of the country. It was first given to the peninsula only, but has since been extended to all the northern country occupied by the Spaniards, the whole of which is now known by the name of the Californias. This country was first visited by the celebrated sir Francis Drake, who gave it the name of New Albion, but that of California has since prevailed.

The Californias are bounded, on the east, by the gulf of the same name, or Vermillion sea, and the country of the Colorado Indians; on the south and west by the Pacific ocean; and on the north by the unexplored regions of north-west America.

The south point of California, called Cape St. Lucas, is situated in latitude $22^{\circ} 45' N.$, and longitude $112^{\circ} 16' W.$ from the meridian of Paris. The western side extends in about a north-west

direction to the post of St. Francisco, which at present forms the northern frontier of this country, and is situated in latitude $37^{\circ} 47' N.$ The eastern coast runs up in a direction little more northerly, to the head of the gulf, in latitude $31^{\circ} 38' N.$: so that the widest part of the peninsula hardly exceeds thirty leagues.

California is naturally divided by a range of high mountains, called the Sierra Madre, that runs from south to north, through its whole extension, and each side is bordered by a number of islands. Those on the western side, that form the canal of Santa Barbara, are St. Miguel, Santa Rosa, Santa Cruz, Santa Barbara, Santa Catalina, and Santa Clemente. Several of these islands are large and well watered, and most of them are inhabited by Indians not yet converted. Farther down is Guadaloupe, in latitude $22^{\circ} 48' N.$, sixty leagues from the coast, uninhabited, and no water near its shores. This island is very high, and of about thirty miles circuit.

Ciros is a large island of a triangular form, and about ninety miles circuit; its south point in latitude $28^{\circ} 3' N.$, and about twelve leagues from the coast. There are three small islands off the north end of this island, called San Benito, which together form a good harbour; and off the south end lies another small island, perfectly barren. Water may be had on Ciros only; it also swarms with sea elephants, and on the others are large numbers of fur seal. There are several other islands further down the coast, but I am unacquainted with their nature and positions. The islands on the eastern coast are numerous, and some of them large; but they are

perfectly barren, and afford nothing of any utility except salt. On this side also, in latitude is an extinguished volcano, where great quantities of excellent sulphur may be gathered; in the same neighbourhood there is an abundance of red ochre.

The climate of California generally is dry and temperate, and remarkably healthy; on the western coast the sky is generally obscured by fogs and haze, but on the opposite side it is constantly clear; not a cloud is to be seen, night or day. The north-west winds blow very strong eight months in the year, on the western coast, with very little interruption; the land breezes at that time are hardly perceptible; but in the winter months they are stronger and regular. In the months of January, February, and March, there are at times very high gales from the south-east, which render most of the bays and harbours on the coast unsafe at that season.

The face of the country is mountainous; the upper division is beautifully interspersed with pleasant and fertile valleys and plains, many of which are covered with fine forests of oak and other timber: these are almost universally remote from the sea coast.

The harbour of San Francisco is formed by the entrance of an immense river, which has been explored but a very little way from thence; otherwise, there are in California none of what would be called rivers in other countries, but many rivulets that run from the high lands into the sea. The lower division is uncommonly barren: it seldom rains there, and there are few springs of water, which grow annually scarcer, in-

somuch that they have been obliged, on that account, to abandon several missions that were formerly situated in fertile valleys, now parched up with drought: the southern part of the peninsula lying contiguous to the tropic of Cancer, is better watered and more fertile.

Most of the animals of Europe have been naturalized in California, where they have increased to a great degree: it is said that more than 80,000 cattle run wild in the mountains of the south part of the peninsula. This climate seems to be particularly favourable to horses and mules, as they retain their strength and vigour till past thirty years. The country abounds with deer, hares, foxes, wolves, bears, ounces, panthers, and a species of wild goat called *verenda*: in Upper California the moose deer is also found in great abundance, and there are great numbers of tufted partridges and quails.

Most of the fruits and vegetables of Europe have also been naturalized in California, where they come to great perfection. The only fruit peculiar to the country, that I have seen, is the pitaya: it is a species of the pricking pear, or Indian fig, and has a most delicious flavour. They also have a plant here called the mixcal, which I have never seen in any other country, though I am informed it abounds in New Spain. This plant greatly resembles the aloes in appearance, and grows in great abundance on all the barren shores and mountains of Lower California. The manner of preparing it for use is as follows: when it has come to its point of maturity, which is easily known by the size and roundness of the

heads, they begin by cutting off the top leaves, which uncovers the head, that in form very much resembles a cabbage; this they cut off as far down as it is tender: in this state it has a very disagreeable taste, and so acrid as to raise blisters on the skin. When they have a sufficient number of these heads collected, they make a kind of kiln, by scraping away the earth in a circular manner, and lining it with stones, where they heap up a large pile of dry brush, on the top of which they place the heads of mixcal, and set fire to it. When the pile is burned down to ashes, they withdraw the heads, and scrape away the ashes and stones, when they replace the mixcal in the kiln, and cover it with the hot stones and ashes, and the whole with earth, when they heap another pile of dry brush on the whole, to which they set fire and leave it. At the end of three days, they open the kiln and withdraw the mixcal, which, in peeling off the outside cinders, is found to be transformed into a fine, transparent, delicious sweetmeat: as every head has a particular flavour, there is found in one kiln a great variety of pine apples, pears, quinces, &c., &c., and of a delicacy and richness of flavour hardly inferior to the best preserved fruits. The mixcal shoots up a stalk of several yards in height, and about the size of a man's arm, on the top of which grows a large yellow flower, in size and form resembling the sun flower: when the seeds ripen the plant dies. I do not know how long this plant is coming to maturity, but as often as one is cut another springs from the root. This plant grows spontaneously, in great abundance, in the most barren parts, drawing

its sustenance chiefly from the atmosphere: with a little care, it might be multiplied infinitely.

In the winter season, the bays and harbours of California abound with geese, brant, ducks, &c.; in some of the islands, as before mentioned, there are great numbers of sea elephants, and fur and hair seals; the sea otter is also found in great numbers, as far down as the 28th degree of latitude. There is a great variety in the quality of the fur of this beautiful animal, which I have reason to think is not entirely the effect of climate: those taken at the mission of San Louis, in latitude of 35°, are no way superior to those that are caught in latitude 28°; and yet the otter that are taken in the canal of Santa Barbara are superior to any, not only on this coast, but to any others that I have seen. This variety is probably owing to the difference of the food on which the animal lives; the climate also undoubtedly has its influence; and the furs of this coast, taken collectively, are certainly inferior to those taken in the high latitudes of north-west America; yet in the Canton market very little distinction is made between them. There are great numbers of whales in all the seas of California, and a great abundance of excellent fish; on the upper coast, sardinas and anchovies are so plenty, that immense quantities might be taken in their season. But no encouragement is given to industry in this country: neither their fish nor furs can be introduced into New Spain, without paying a heavy duty.

The Indians that inhabit the shores and islands of the canal of Santa Barbara seem to be a race of people quite distinct from the other aboriginals of the country.

They are a handsome people, remarkably sprightly, courteous, and intelligent, and display great ingenuity in all their arts. They make fine canoes of small pine boards, sewed together in a very curious manner; these are generally capable of carrying from six to fourteen people, and are in form not unlike a whale boat; they are managed with paddles, and go with surprising velocity: they besides make a great variety of curious and useful articles of wicker work, and excellent pots and mortars of stone. The other Indians of this country differ very little among each other in their persons, genius, and manners: they are a dull, stupid people, of the ordinary stature, and far from comely. The fathers informed me, that, notwithstanding their apparent stupidity, they have some rude notions of astronomy; they distinguish the season by the movements of the heavenly bodies, and mark the hours of the night by the positions of the *great bear* and *pleiades*. The canoes used on all this coast, except in the canal, are a very rude kind of machines, made of flags. The Indians of the canal have a tradition of a race of white men being shipwrecked on their coast, at some remote period: this they assign as the cause of the great difference in their favour before mentioned.

The inhabitants of California were formerly very numerous. In the journal of a voyage performed by Sebastian Viscayno, in 1602, to explore the western coast, and by father Gonsag, a jesuit, in 1746, to explore the gulf of California, by order of the court of Spain, it is remarked, that all along, wherever they passed, they found great multitudes of people. I have touched at a great number of the

same places in the course of my voyages to this country, which are now solitary and desert; not a soul is to be seen, except now and then a straggler from the neighbouring missions. One of the missionaries informed me, that, fifty years ago, they numbered 7000 souls at the mission of the Purissima, in latitude $26^{\circ} 30'$, and that at present they do not exceed fifty persons. At present, Lower California is nearly depopulated: no mission there numbers above 350 Indians; not more than three exceed 250; and the greater part have less than fifty persons. It is difficult to imagine what can have been the cause of this extraordinary depopulation, in a country where no establishments but missions and garrisons have been made. At present, the miserable remains of these people are almost universally infected with the venereal disease, and numbers perish daily, in the most deplorable manner, with that loathsome disorder: as no pains are taken to stop it, there is reason to suppose, that in a few years it will entirely exterminate them. Upper California is still populous, and the same disorder rages there with the same violence. Captain Vancouver speaks in high terms of the successful practice of medicine and surgery by the Franciscan missionaries in this country: I have had a pretty large acquaintance with those gentlemen, and I have not known any one among them who appeared to have the least tincture of any science. This observation may also be extended to the Dominicans, who are a much politer order of men. They were always soliciting medicines and medical advice of me, and lamented the unfortunate situation of the country in

that respect: many of them assured me, that there was not in all California one qualified physician or surgeon. I have also reason to think that captain Vancouver has likewise overrated their abilities in the arts as well as sciences, as they have not as yet erected a single mill in Upper California, though the country abounds in materials and excellent situations, for both wind and water mills. In such circumstances, such a useful, and necessary, and simple piece of mechanism would hardly have been neglected, if they had known how to direct their construction. At present, all their grain is ground by the tedious process of rubbing it by hand between stones, or beating it in mortars.

The Spanish population of the Californias is very inconsiderable; by the best information I could obtain, it hardly exceeds 3000 souls, including the garrisons, among which, even the latter, the officers excepted, there are very few white people: it principally consists of a mixed breed. They are of an indolent, harmless disposition, and fond of spirituous liquors. That they should not be industrious, is not surprising; their government does not encourage industry. For several years past, the American trading ships have frequented this coast in search of furs, for which they have left in the country about 25,000 dollars annually, in specie and merchandize. The government have used all their endeavours to prevent this intercourse, but without effect, and the consequence has been a great increase of wealth and industry among the inhabitants. The missionaries are the principal monopolizers of the fur trade, but this intercourse

has enabled the inhabitants to take part in it. At present, a person acquainted with the coast may always procure abundant supplies of provisions. All these circumstances prove, that, under a good government, the Californias would soon rise to ease and affluence.

The government of this country may be considered as altogether military, although civil causes may be carried before the audience of Guadalaxara, in New Spain. The governor rules every thing, and no one undertakes to dispute the legitimacy of his decisions. The missionaries are also under his jurisdiction in civil matters, but he does not interfere with the Indians attached to the missions, except at the request of the fathers, who are their sovereign magistrates.

The political and military arrangements for the government of the Californias are as follows: the whole country is divided into six military districts, called *presidios*, or garrisons; these are, beginning with the northernmost, San Francisco, Monterrey, Santa Barbara, San Diego, San Vicente, and Loreto. In these *presideos* are distributed about four hundred cavalry, which forms the whole military force of California: they are each commanded by a lieutenant, except San Vicente, which is not properly a *presideo*, and is commanded by an ensign. The *presideos* furnish the necessary guards to the missions under their protection; generally from three to five soldiers, with a sergeant or corporal, to each mission. The soldiers also do the duty of couriers; and every occurrence of the least consequence is immediately transmitted by express to the governor. During the last war,

small detachments of artillery were quartered in the principal *presideos*, but they were withdrawn at the peace.

The Californias have, until lately, been under one government, of which Monterrey was the capital; but I am informed that they are now separated. The division is at San Diego, and Loreto is the capital of Lower California. I am also informed that considerable reinforcements of troops are ordered to be raised in New Spain for that country.

The plan of civilization in the missions is to instruct the Indians in the catholic religion, the Spanish language, the necessary arts, agriculture, &c.; but the notion of private property is not admitted among them; so that each mission forms an indivisible society, of which the fathers are the kings and pontiffs. The missionaries of the Franciscan order, in Upper California, have salaries of 400 dollars per annum; the Dominicans that are established below have but 350 dollars. The missions of California may be considered as so many valuable estates or plantations belonging to the king of Spain, and capable, in case of a conquest of this country, of furnishing abundant supplies of all kinds of provisions, horses, &c.

I shall give the best account I am able of these missions, as far as I have information respecting them, together with the other establishments in the country, and its principal bays and harbours.

The missions of San Francisco, Santa Clara, and the Pueblo de San Josef, are within the jurisdiction of San Francisco. They are represented by captain Vancouver as very fertile and flourishing, and are esteemed by the Spaniards to

be among the richest establishments in the country.

Santa Cruz, near Point *Ano Nuevo*, and a *pueblo* of the same name in its neighbourhood, form the northern frontier of the jurisdiction of Monterrey: the first was founded in 1789, and the second in 1790. Between that and Monterrey stands la Solidaridad, and near the *presideo*, El Carmelo. Further down the coast are situated San Antonio, San Miguel, and San Luis; the latter is the last to the southward within this jurisdiction. Those missions are none of them far removed from the coast: they are reputed rich by the Spaniards in stock and grain; and the account given by monsieur de la Perouse of the extraordinary fertility of El Carmelo, justifies that report.

The mission of San Luis is situated from six to twelve miles from the coast, in a fertile valley, watered by several streams: it has 1000 Indians attached to it, and its annual productions are 5000 fanegos of wheat, 1500 fanegos of corn, with barley, oats, and pulse in proportion; it has also vineyards, and a plenty of fruit. The stock belonging to this mission exceeds 1000 head of horned cattle, besides horses, sheep, hogs, goats, &c.: its buildings are said to be excellent; even the habitations of the Indians are of stone and plaster. This mission has a commodious port, and a plenty of good timber.

The Purissima, situated near Point Conception, forms the northern frontier of the jurisdiction of Santa Barbara: it is watered by several streams, and is said to be little inferior to San Luis in fertility and abundance of stock.

Between this mission and Santa Barbara, was founded, in 1804, the

mission of Santa Agnes, about three miles from the coast. It is well watered, is in a fertile spot, and bids fair to be ranked among their richest establishments in a short time. Its productions the first year were 1500 fanegos of wheat, and 500 of corn: the wheat was the production of thirty fanegos sown, that is, fifty for one.

Santa Barbara is situated in the neighbourhood of the presidio: it has 2400 Indians attached to it. I learnt no particulars respecting this mission, other than that it is very rich in stock and grain, vineyards and fruits.

San Buenaventura is situated about eighteen miles below the presidio, half a mile distance from the sea, where there is good anchorage and safe landing: it stands on the left margin of a charming valley, and has an extensive plain to the south-east of it, which, when I was there, was covered with cattle, and the vale appeared to be cultivated as far as the eye could reach. This mission was founded in 1784: it has 1200 Indians attached to it, and its stock of cattle is said to exceed 15000 head, besides horses, mules, sheep, hogs, &c.; and its production in grain, wine, &c., are equally abundant.

San Fernando is situated between Buenaventura and the Pueblo de los Angeles: whereabouts I am unable to say, or how far from the sea: the Spaniards report it to be a flourishing establishment.

The Pueblo de los Angeles is about twenty-five or thirty miles in a north-west direction from the bay of San Pedro, and forms the south-eastern boundary of the jurisdiction of Santa Barbara. This village is composed of about 100

families, many of whom are in easy circumstances, and some possess from 3000 to 5000 head of cattle. This part of the country is fertile, and produces large quantities of grain and pulse; they are also rapidly advancing in the culture of the vine, and the wine produced here is of a good quality.

San Gabriel is situated about twelve or fifteen miles north from the bay of San Pedro, and forms the north-west frontier of the jurisdiction of San Diego. I learnt few particulars respecting this mission. It has 1200 Indians attached to it, and is reported to be very rich in Californian wealth, that is, cattle, grain, and fruits: they informed me that last year (1804) sixty casks of wine were made at San Gabriel.

About thirty-five miles down the coast stands San Juan Capistrano, close to the sea shore, where there is safe anchorage and good landing nine months in the year. The situation of this mission is very romantic and delightful: in a charming valley, thickly shaded with fine trees, through which runs a fine stream of water. I learnt few particulars respecting the mission of San Juan, but they say it is not inferior in wealth to any in California.

Not far from San Juan Capistrano is another mission, called San Luis Rey, of the resources and situation of which I am utterly ignorant.

Near the presidio of San Diego, is situated the mission of the same name. I know very little of this establishment, which is the last to the southward of the Franciscan order, except that it is esteemed inferior, in most respects, to all their others.

The missions of Lower California are hardly worth describing. San Miguel and Santa Catalina are the first, and terminate the jurisdiction of San Diego: they have each about 250 Indians, and produce little or nothing more than what is sufficient for their subsistence. San Thomas, San Vicente, San Domingo, and Rosario lie along the coast from the bay of Todos Santos, down to the 30° of latitude, and, with a mission lately established in the mountains, form the jurisdiction of San Vicente. These missions are of small importance; their Indian population are from 200 to 300 souls each. San Domingo is the best, and yields annually about 1500 fanegos of wheat, with other articles in proportion: it also produces a considerable quantity of very good wine, and feeds several thousand head of cattle. The others likewise produce a little wine, except Rosario, which yields nothing, and is dependent on its neighbours for subsistence.

The missions of San Fernando and San Borja are the next down the coast: the first has 250 Indians, and the second 400. The wine of San Fernando is excellent, and San Borja has excellent fruits; but otherwise they produce nothing of consequence. These missions, with all below, are immediately dependant on Loreto. From San Borja down to San Josef del Cabo, there is not an establishment worth notice; even Loreto, the capital, produces nothing, and none of the missions have more than fifty or sixty Indians.

San Josef might, by encouragement, become a place of considerable importance; it is situated in a pleasant vale, that is well watered. There are few Indians at

that mission, but there and a pueblo not far inland from it, called San Antonio, there is a considerable Spanish population; I believe about 400 or 500 souls. They have a plenty of cattle, raise a good deal of corn, make some sugar and rum, but raise no wheat. Here they have silver mines, which would be productive, if they had the means of working them; the pearl fishery is also of considerable importance: in some years they collect as much as twenty-five pounds of pearl. This part of the country is very mountainous, and tolerably well watered; it affords retreat and subsistence to an incredible number of wild cattle; they say upwards of 80,000.

The Spaniards have complete possession of the peninsula of California; but that is not the case above: there their domination is bounded by the Sierra Madre, which in no part is far removed from the coast; so that in reality they are masters of the maritime part of the country only. Beyond that range of mountains the country is remarkably fine, well watered, and covered with forests: these they have not as yet been able to penetrate, on account of their being thickly inhabited by warlike tribes of Indians. I am informed that the government have it in contemplation to establish lines of missions and garrisons from San Francisco to New Mexico, and by the country of the Colorado Indians to the same place, and by these means to complete the conquest of the country. But that is a project that does not seem likely to be very soon realized.

San Francisco, latitude 37° 47' N., longitude W., is a fine harbour, capable of receiving the

largest ships, and affords plenty of wood and water. In its neighbourhood is a great plenty of timber proper for ship building, and the neighbouring establishments may afford ample supplies of provisions. This port is formed by the entrance of an immense river, never yet far explored, but it is thought to be of great extent. Its entrance is defended by a battery, on which are mounted some brass eight pounders, which afford only the show of defence; and the place could make no resistance against the smallest military force; neither could its resources in provisions be easily removed out of the way of an enemy.

Monterrey is an extensive open bay, in latitude 25° N., and longitude 109° W., situated between Point *Pinos* and Point *Ano Nuevo*, lying from each other N. 72° W., and S. 28° E., 22 miles apart. It is formed by the coast falling back from the line of the two points nearly four leagues. The only part that is at all eligible for anchoring is near its south extremity, about a league within Point *Pinos*, where the shores form a cove that affords a clear, good riding for a few vessels; and as there is always a land breeze night and morning, ships may always go out at that time. There is a miserable battery on a hill that commands the anchorage, but it is altogether inadequate to what it is intended for. Water and wood are plenty at Monterrey, and the neighbouring missions are capable of furnishing abundant supplies of provisions. The garrison is situated immediately in the vicinity of the anchorage, where they have no works capable of affording defence.

Bernard's Bay, in latitude $38^{\circ} 8' 45''$ N., and west longitude $123^{\circ} 39' 45''$, is a very commodious anchorage, well sheltered against the prevailing winds; it is also protected from the southerly gales by a reef, and the holding ground is good: here is a plenty of wood and water, and the wealthy mission of San Luis is about two leagues distant. This bay is unknown to the Spaniards: it might, at a very small expence, be fortified so as to prevent a ship's anchoring there.

From Point Conception down to the mission of San Buenaventura, there is a great number of anchoring places, where wood and water may be had, and the rich missions in that neighbourhood are capable of furnishing large supplies of provisions: indeed, this is the most agreeable as well as the most wealthy district in California.

About 10 miles to the eastward from Point Conception is the *presideo* of Santa Barbara, with a very smooth, commodious anchorage, in good weather; but it is greatly exposed to the southerly gales. This place, like San Francisco and Monterrey, has only the show of defence, and would fall an easy conquest to the smallest ship of war.

The next anchorage on the coast is the bay of San Pedro: this bay is very spacious, and has good anchorage and shelter from the prevailing winds, but it is entirely exposed to the southerly gales. Here there is no wood, and, without digging wells, water cannot be procured at all seasons. The mission of San Gabriel and Pueblo de los Angeles are situated, the one twelve and the other twenty-five or thirty miles from this place:

both of them are capable of furnishing large supplies of provisions.

Directly opposite to San Pedro lies the island of Santa Catalina, on the north side of which is a small but very fine port, where ships of any burden may ride in the most perfect safety at all seasons. As it is always smooth in this port, it is peculiarly proper for careening and repairing ships: there are several springs of water in its neighbourhood, which afford a sufficient supply of that necessary article at all times, and of the best quality. The proximity of this island to all this coast, from Point Conception to San Juan Capristano, renders its port of importance, as a winter harbour, to all ships that may have any thing to do there in that season.

At San Juan Capristano, there is a tolerable safe roadstead in good weather, within the reach of a four pounder of the wealthy mission of that name.

San Diego is a very fine, secure harbour, formed by an extensive arm of the sea, the entrance of which is not a cable's length wide; there is no where less than four fathoms going in, and within there is safe anchorage for ships of any burthen. There is a sorry battery of eight pounders at the entrance: at present, it does not merit the least consideration as a fortification, but with a little expence might be made capable of defending this fine harbour. The *presideo* is about four miles distant from the anchorage. A considerable force would be necessary to hold this post, as a landing might be effected on the back of it, at the false port of San Diego: the entrance of this port is said to be too shoal for ships.

The bay of Todos Santos is very spacious: at the bottom of it, there is safe anchorage at all seasons. It affords a scanty supply of wood and water, and has in its neighbourhood the missions of San Thomas and San Miguel; but, as they are poor, no considerable supplies could be expected here.

The bay of San Quintin is an extensive arm of the sea, with a narrow entrance, and difficult of access. This harbour is very secure, but affords neither wood nor water, and the missions in its neighbourhood are too poor and difficult of access to expect any considerable supplies from. Below San Quintin, there are a great number of bays, where there is safe anchorage; but, as they are destitute of wood and water, they are hardly worth describing.

Directly round Cape San Lucas there is a very commodious anchorage, called *Puerto Segura*, where there is very good water. The mission of San Josef is but a short distance from this place, but no considerable supplies could be expected there. There is safe anchorage directly opposite to the mission, where water is still more abundant.

In the gulf there are many fine harbours: those below Loreto generally afford water, those above rarely; and, as they offer no other resources, they are unworthy a description, except the bay de los Angeles, which is situated in latitude 29° N.: it is very spacious, and entirely locked in by a number of small islands, through which the channels are very bold. There is excellent anchorage in many places round this bay, and there is also a spring of water, with an abundance of fish and clams, and other shell fish in plenty.

These advantages, though trifling in themselves, become important when the situation of this harbour is considered: it is situated on the narrowest part of the peninsula, opposite to a very commodious road on the other side, with the mission of San Borja between them, which, with its proximity to the river Colorado, where timber may probably be procured, point out this noble bay as a very important post, either for communication with, or defence against the maritime provinces of New Spain, opposite to California.

Loreto, latitude N., and longitude is a place of considerable estimation with the Spaniards. It is the capital of Lower California. Their public magazines are kept there, and it serves as a point of communication with New Spain: its population consists of about fifty families, besides the garrison. It is a place of no resources, and is not fortified.

The gulf of California extends from cape Palmo, in latitude N., and longitude W., in about a north-west direction, up to the mouth of the river Colorado; from cape Palmo over to the continent is about leagues, and it gradually diminishes, until it comes nearly to a point at the head. On the California side, there are a great number of ports and commodious bays: few of them afford water; but fish are generally plenty and good, and in several there is an abundance of pearl oysters. On the eastern side is situated the fine fertile province of *Sonora*, with many rivers, but no ports for vessels of burthen, except Guimas, in latitude which is large and commodious. Above Guimas the

coast is barren, and affords no water; above the latter, this gulf is covered with an immense number of barren islands: the navigation is, however, good among them, and there is no danger out of sight. From October to April, the winds prevail very strong from the northward; the rest of the year they are variable, with hard southerly gales from time to time; and the eastern shore is subject to thunder storms, which are generally of short duration. The country on the eastern side of the gulf forms the government of the internal provinces, of which *Chiuaga* is the capital, situated, as near as I could learn, about fifteen days journey inland from Guimas. This country is extremely fertile, well watered, and abounds in mines of gold and silver, and has a number of pleasant flourishing towns.

A short distance above Guimas commences the country of the *Apaches*, a formidable nation of Indians, that the Spaniards have not yet been able to conquer, and, above them, the *Colorado* tribes, equally formidable. These people possess a rich fertile country, also abounding in mines: they cultivate their lands, raise great numbers of horses and cattle, and greatly annoy the Spaniards.

At the time of the Spaniards first coming to California, that country was very populous: as before mentioned, it did not escape the penetrating eye of the Jesuits, then in the zenith of their power and influence in the catholic world, and it is probable that their ambition pointed it out to them as a favourable place to fortify themselves in, for the promotion of their vast views. However it may be, that order obtained a patent from the court of Spain to oc-

cupy the country, and civilize its numerous inhabitants. It is a curious fact, that in California, as in Paraguai, foreigners were principally employed, particularly Germans. Their success was equal to the wisdom and energy that characterized all the undertakings of that enterprising society, as, in 1745, there were forty-three villages or missions established below the 28th degree of latitude, where agriculture and the necessary arts were in a flourishing state: at present there is not above a dozen missions below the thirty-first parallel, and several of these do not possess above twenty Indians.

At the suppression of the Jesuits, the care of completing the conversion and civilization of the Indians of California was confided to the Dominicans, and the missionaries of that order were established in all the missions then on foot, and a commission given them to found others, as circumstances should dictate. The government of the country was new modelled on the present plan, and the missionaries received their salaries directly from the king.

In the year 1769, the court of Spain, alarmed at the progress the Russians were making on the north-west coast of America, determined to occupy Upper California, and to establish missions there for the conversion and civilization of its inhabitants. These they confided to the Franciscan order, on the same plan, and nearly the same conditions, that the Dominicans then administered the spiritual concerns of the lower division, and proceeded to the establishment of the garrisons already mentioned.

The mutual jealousies and selfish policy of the great European

powers have been the causes that some of the most beautiful regions of the universe have long languished under the degrading shackles of ignorance and superstition; and the Spanish monarchy has been so long left to the quiet enjoyment of the finest part of the new world, that they have been at full liberty to extend their conquests there in every direction, without any other obstacle than the feeble opposition of the native savages. Any of the great maritime powers that should determine to give independence to New Spain, or wrest it from the Spanish dominion, would naturally seek to establish themselves in California, from whence, as a place of arms, they might carry on their operations against that defenceless kingdom with a certainty of success. This the Spaniards have doubtless foreseen, and been before hand in occupying it, with a view of forming a barrier to those valuable possessions. The foregoing shows that what they have yet done has had a directly contrary effect. They have, at a great expence and considerable industry, removed every obstacle out of the way of an invading enemy; they have stocked the country with such multitudes of cattle, horses, and other useful animals, that they have no longer the power to remove or destroy them; they have taught the Indians many of the useful arts, and accustomed them to agriculture and civilization; and they have spread a number of defenceless inhabitants over the country, whom they never could induce to act as enemies to those who should treat them well, by securing to them the enjoyments of liberty, property, and a free trade, which would almost

instantaneously quadruple the value of their actual possessions : in a word, they have done every thing that could be done to render California an object worthy the attention of the great maritime powers : they have placed it in a situation to want nothing but a good government to rise rapidly to wealth and importance.

The conquest of this country would be absolutely nothing ; it would fall without an effort to the most inconsiderable force ; and as the greatest efforts that the Spanish government would be capable of making towards its recovery would be from the shores of New Spain, opposite the peninsula, a military post, established at the bay of Angels, and that of San Diego fortified and defended by a competent body of troops, would render such an attempt ineffectual. The Spaniards have few ships or seamen in this part of the world ; the arsenal of San Blas would be their only resource on such an occasion, and that might be very easily destroyed. But, admitting that the inactivity of the invaders should permit them to transport troops over to the peninsula, those that come from New Spain could not be very formidable, either in point of numbers or courage, and they would have to penetrate through Lower California, where they would not find even water in their march : all the other resources of that desolate country could be easily removed out of their way. They could not march round the head of the gulf : the natural obstacles to such an expedition would be very numerous ; and they must besides force their way through many warlike nations of savages.

An expedition by sea to Upper California would be equally difficult for them : the bad weather they must encounter in winter, and the great length of the passage in summer, on account of the prevailing north-west winds, would render it a very precarious undertaking. In a word, it would be as easy to keep California in spite of the Spaniards, as it would be to wrest it from them in the first instance.

The Sandwich islands appear to have been subject to many political revolutions ; they have been all, at different periods, reduced under the domination of the kings of Owhyhee, and have as often regained their independence. On the arrival of captain Cook at Owhyhee, it appears that Terioboo, the reigning prince, was engaged in a war with Mowee, which appears to have been terminated before his death, as when that happened his eldest son was absent on a visit to his relations in that island. At this event, Tamaihamaiha, a young man, brought up in the family of the late king, seized on the government. His pretensions were founded on his grandfather's having been king, and his father defrauded of his right ; he was besides a young man greatly beloved by the islanders, on account of the mildness of his manners, and his great abilities as a warrior, which he had had many opportunities of displaying in the late war. As soon as the young prince Tuwarrahoh, heard of his father's death, and of the usurpation of Tamaihamaiha, he returned to Owhyhee with a large army of auxiliaries, and was immediately joined by all who were attached to his family and interests. He arrived with his fleet off Karaka-

koaa, where he had an interview with Tamaihamaiha on the water, in presence of the two armies. The politic Tamaihamaiha behaved with great apparent moderation on this occasion; and, after stating his pretensions to the throne, generously offered to divide the sovereignty of the island with his rival. This was refused with indignation by the latter, and they immediately separated. Tuwarrahoh found means to effect a landing, and a general engagement was the immediate consequence, in which he was defeated with considerable loss, and obliged to accept of the terms previously offered by his rival.

A peace between two rivals, of nearly equal force and pretensions, is seldom of long duration. War again succeeded a short and equivocal peace, in which the superior talents and fortune of Tamaihamaiha prevailed: his adversary perished in the field of honour, and the former was left in quiet possession of the throne, the family and friends of the unfortunate prince taking refuge in Mowee. Several of the principal chiefs of Owhyhee saw with great impatience the elevation of Tamaihamaiha, among whom was the celebrated Tyanah, a man not inferior in talents to the former, but of a ferocious character, so that the government of the new king was for a long time troubled with feuds and insurrections.

About this time, the Sandwich islands began to be visited by foreign trading ships, and the unsettled state of affairs accounts for the various attempts made to cut them off. A small schooner, belonging to captain Medcalf, of New York, and commanded by his son, was surprized and put to death, except Mr.

Davis, the mate; and at the same time Mr. Young, boatswain of captain Medcalf's ship, was detained ashore. Tamaihamaiha highly disapproved of this outrage, and was never accused of having any hand in it; but as the perpetrators were of too much importance to be openly punished at that time, he contented himself with taking the two men under his protection: they were sent back into the country, and treated with every indulgence, and, when they had learned the language, were brought to court to assist the king with their talents and information. They have ever since remained faithful to him, have rendered him important services in his subsequent wars, and are to this day his principal ministers. John Young and Isaac Davis have been the principal means of convincing the islanders of the good policy of treating foreigners well, and have shown them the great advantages that would derive from a friendly intercourse with them. These advantages were immediately appreciated by the enterprising Tamaihamaiha, and the arms and ammunition he obtained in trade from the Americans determined him to undertake the conquest of the Leeward islands, whose chiefs had declared for the family and friends of Tuwarraho. This enterprize, after various reverses of fortune, he finally brought to a successful issue in 1795 and 6. Several petty rebellions have taken place since; but they were easily crushed, and Tamaihamaiha has ever since remained absolute sovereign of the whole groupe, except *Alooi*, the conquest of which he is now meditating, as before mentioned. Tyanah, who ever bore the supremacy of Tamaihamaiha with impa-

tience, on the expedition against Woahoo deserted with all his division to the enemy; but in the grand battle which decided the conquest, he was slain by a priest: his death immediately turned the fortune of the day, and the whole island submitted to the conqueror. Thus the singular good fortune of Tamaihamaiha so ordered it, that the stroke that assured to him the conquest of an empire, also terminated the existence of a treacherous and formidable rival.

Tamaihamaiha is a tall, fine-proportioned man, and of most prodigious strength and activity: he far excels all his subjects in all their manual exercises. His features are strong and harsh at the first appearance; but his physiognomy softens very much on acquaintance. He is a man of great natural abilities; he is very politic in his government, and extremely popular; and, if he had had the advantages of education, would have been truly a great man. His system of government is probably dictated by necessity, but it is not calculated to promote the happiness or prosperity of his people: he is, however, his own minister; he takes cognizance of all affairs of importance himself, and often punishes the chiefs for flagrant acts of injustice, by depriving them of their fortune and consideration. In the true spirit of despotism, it is well understood that no chief of the least consequence can reside any where but near the person of the monarch, and, as he migrates through his dominions, he draws after him a train more destructive than locusts. Every thing is abandoned to follow the sovereign, and the country being deserted by all who have an interest in its cultivation

and improvement of the lands, they are of course neglected. I have observed many fine tracts of lands lying thus neglected, even in the fertile plains of Lahyna*: the ruined enclosures and broken dykes around them were certain indications of their not having been always in that state. The islands where the king does not reside, are literally abandoned, which is probably the state he wishes they should remain in during his absence: he does not even maintain governors there, except in Owhyhee, which has been governed for several years by Mr. Young. His stewards, or imperial procurators, are, however, employed in collecting all the provisions they can lay hands on, which are conveyed in their small vessels to head-quarters.

It may be easily conceived the wars of such a people must, particularly in their consequences, be very destructive. The slaughter is not usually great in the field, but the unrestrained licence, and the waste and destruction of provisions by the conquerors, generally causes a famine in the conquered territory. It is supposed that the wars of Tamaihamaiha have destroyed one-third of the population of the islands. He is, however, of a humane disposition, and has ever used his best endeavours to soften the ferocity of his adherents. By his own personal interference, he saved the life of the young brother of Tuwarraho, who is at this time in the full enjoyment of his hereditary estates, and is treated by him with kindness, and the respect due to his rank. As far as has been in his power, he has restored their es-

* A beautiful village in Mowee.

tates to the conquered chiefs, and he takes great pains to attach them to him, by acts of kindness and indulgence: he is not displeased to see a degree of jealousy between them and those who have been the artists of his fortune. The natural ascendancy which great minds have over those of a common mould, enables him to do many things that would not be tolerated in other men; his known character has given him unbounded popularity with the common people, and his equally well known energy and decision prevents any murmurs from the chiefs.

Thus has Tamaihamaiha, whose name literally signifies a lone, friendless man, by his own superior talents, reduced the whole of these islands, comprizing a population of more than 300,000 souls, under his dominion. He had three legitimate sovereigns to contend with, besides the son of the deceased king of Owhyhee, whose physical resources were greatly superior to his. They have all disappeared before him, and he has, by elevating the weak and depressing the strong, destroyed the possibility of a successful rebellion against him. He is at present, as far as circumstances will permit him, endeavouring to restore prosperity to his islands, which, as the factions that have desolated them for a number of years past are now done away, he will certainly do if he lives.

His revenues consist of the produce of his own lands, which are very extensive and rich, and a certain annual tax, levied on the lands, proportioned to their productions. He has besides great resources in the free gifts made him by all classes of his subjects. These are sufficient to enable him

to maintain about 500 guards, and to purchase from foreigners whatever he is in want of for the equipment of his vessels, of which he has about thirty, of from twenty to sixty tons burthen. His arsenal is stocked with about thirty pieces of iron cannon, 1000 muskets, and a considerable quantity of powder and ball.

The discovery of this fine groupe is attributed to captain Cook, though the nations say, that, several years before his appearance there, a ship appeared off the south end of the island of Owhyhee: two girls went on board of her in a small canoe, which was stove along-side of the ship, and, after remaining a night on board, they returned in a small boat, furnished them by the commander of the ship. This fact is so well averred that it cannot be doubted; and there is the greatest reason to suppose the ship was Spanish, particularly so as there is a groupe of islands placed on their charts of the Pacific ocean, a few degrees to the eastward of the Sandwich islands, said to have been seen by their Manilla ships. This magnificent groupe consists of eleven islands, called Owhyhee, Mowee, Tahowroa, Ranai, Morotoi, Whahoo, Atooi, Neehecheow, Oneehaw, Morotinee, and Tahaura, extending between the latitudes of $18^{\circ} 64'$ and $22^{\circ} 15'$ north, and longitudes $153^{\circ} 16'$ and $162^{\circ} 46'$ west from the meridian of Paris, all inhabited except the two last.

Owhyhee, the largest and easternmost, is in length, from north to south, about twenty-eight leagues, and in breadth, from east to west, about twenty-four leagues. The high mountains of this beautiful island, the *Mona Roa* and *Mona Koah*, raise their magnificent, hoary heads above 12,000 feet

above the level of the sea, and may be seen at more than forty leagues distance. The different spurs of these vast mountains form a variety of plains of different elevations, which enjoy all the different gradations of climate, from extreme cold, near their summits, to extreme heat, in the vicinity of the sea-shore. A variety of rivers and streams afford a plentiful supply of water to the lands, and one fine river forms an excellent port on the north-east side of the island, where ships may be hauled in along-side of the river's bank. There are, besides, two other safe anchorages: one of them, *Karakakooa*, will always be remembered, by being the place where the celebrated discoverer of these islands fell. The general exterior of the Sandwich islands having been described by other navigators, and differing very little in their productions, or the genius and manners of their inhabitants, from Owhyhee, I shall include them generally in my description of the latter.

The lands of Owhyhee are very fertile, and perfectly well cultivated. On approaching the island, traces of plantations are discovered up near the summits of the high mountains. Their fields are enclosed with stone walls, and surrounded with bread-fruit and plantain trees, which give an exquisitely beautiful appearance to the country.

Their principal fruits and productions are the bread-fruit, plantain, banana, cocoa nut, a peculiar kind of apple, and yams, sweet potatoes, taro, sugar canes, and the tee root: these are all native productions. The taro is a bulbous root, that grows to the size of three to six or eight pounds; it

flourishes best in moist ground, or even under water; its leaves resemble those of the pond lily: this root is esteemed acrid in its crude state; but, when roasted or boiled, is mealy and well tasted, and is the best substitute for bread that I am acquainted with. The natives roast it under ground, then mash it, and, by mixing it with water, make a kind of pudding, which they keep till it ferments a little, when it is very good and wholesome food. The taro is what they are fondest of; it constitutes the principal article of their diet. The *tee* root resembles the parsnip, and, when roasted, is sweet as sugar: it is rarely eaten but by way of amusement. This root, macerated in water, after roasting, until it ferments, makes very good spirits by distillation: this pernicious use of it has been lately taught them. Besides the above, foreigners have introduced the cabbage, lettuce, peas, beans, and most of our garden vegetables, with melons, pumpkins, &c. Most of the tropical fruits, and the vine, have been lately introduced, and bid fair to become abundant. These islands were very poor in animals: the hog, dog, and rat were the only species of quadrupeds known there: their dog seems to be a degenerate species, resembling the fox, with erect ears; it is eaten by them, and is very delicate food. Foreigners have also greatly increased their stock of animals: at present, they have large herds of cattle, sheep, and goats, and I brought them a breed of horses from California. They are also very deficient in birds: they have, however, some small kinds in abundance, whose brilliant yellow and scarlet plumage serves for the fabrication of their much admired cloaks and

helmets. Neither are the seas of these islands abundant in fish, which they, in a great measure, remedy by fish-ponds, which are contrived with great intelligence: they have them of both salt and fresh water. The mullet and a fish of the herring species, called by them the *ava*, visit their coasts periodically, when they are very careful to stock their ponds with the young fry, where they thrive surprizingly: by these means, fish are sufficiently abundant.

These islanders have, by long and successive experiments, brought their agriculture to an incredible degree of perfection. It seldom rains much, except in the mountains, and necessity has taught them to avail themselves of the streams of water that run from thence: these are conducted, by little canals, throughout their plantations, which, besides watering them plentifully, gives them a beautifully romantic appearance, unknown in other countries. I have seen, in some places, aqueducts constructed to bring water to elevated lands, that would do honour to the ingenuity and industry of a much more civilized people.

Their food is principally vegetables, to which they add fish, and the flesh of hogs and dogs. They sometimes eat raw fish, but they always roast their flesh and vegetables; and their food is always prepared with the most perfect cleanliness.

Their manufactures are few, yet in them they display great ingenuity and taste. Their cloth is made of the inner bark of a species of the mulberry, which is carefully cultivated for that purpose, by macerating it in water, and reducing it to a kind of paste, when it is ex-

tended by beating it out on boards. This cloth is of a substance and consistence like paper; it is of various qualities, and answers very well to clothe them: some of it is handsomely painted, and many of their patterns would not suffer by a comparison with our best prints. The form and size of their canoes are well known, therefore it is sufficient to observe, that the workmanship is inimitably well executed. They make, besides, of a very beautiful species of wood peculiar to these islands, a great variety of table utensils, such as bowls, platters, and vessels of different sizes, in the form of calabashes, &c. They also manufacture a great variety of mats: some of them are very fine, and handsomely painted. All the foregoing were manufactured in the islands previous to their discovery, and without the use of iron tools. At present, the article being abundant, and their intercourse with foreigners having furnished them with new ideas, and new channels for their industry and ingenuity; they have carpenters, blacksmiths, &c., and have built several vessels, without any foreign aid. The New Zealand flax plant, so much vaunted by the English in their accounts of their settlements in New Holland, flourishes here: of it they manufacture excellent white cordage, of all sizes: for running rigging, there is no better rope.

The Sandwich islanders are a large, well made, robust race of people, and many of their women are perfectly beautiful, though, generally, their features are rather blunt and harsh: they would be disagreeable, were they not animated by good nature, and the finest eyes in the world. In their

dispositions they are brave, generous, humane, and affectionate; they are possessed of great sensibility, and will go any lengths to serve those they think their friends, but revolt at every species of neglect or ill treatment. These amiable people have been stigmatized as being the greatest thieves in the world, but experience has given me an opportunity of knowing the malicious charge is unjust. That there are thieves among them is unquestionable, and among what people are they not to be found? Would it be just to call the English and Americans nations of thieves, because many are to be found among the rabble of London and New York? No; and it ought to be considered, that the first ships that visited these islands were filled with articles above all price with them, such as gold and diamonds would be with us; these tempting objects were exposed to their view, and apparently not greatly valued by their owners; and I do not think it extraordinary that petty thefts should happen in such cases. The only way to form a just idea of such things is to compare them with what would happen, in similar circumstances, among ourselves, when, I fear, we should have very little reason to compliment ourselves, by the result of the experiment. I was among them nearly three months, and, probably, in a more exposed situation than any other person ever was, and I do not think I lost by thefts the value of two dollars. By what I have said of these people, it naturally follows, that they are very subject to be influenced by their passions, and it is a melancholy fact, that they are frequently led by them to the greatest excesses. Their government, as

will be seen hereafter, is but too well calculated to hurry them into the vortex of ambition, and its attendant train of crimes.

The religion of the Sandwich islanders is paganism. They have many temples, which are large enclosures, with piles of stones heaped up in pyramidal forms, like shot in an arsenal, and houses for the priests and others, who remain within them during their *taboos*. Great numbers of idols, of the most uncouth forms, are placed round within, in all directions: to these they offer sacrifices of hogs, cocoa nuts, bananas, and human victims: the latter are criminals only; formerly, prisoners of war were sometimes sacrificed, but that inhuman practice was abolished by the present sovereign. These offerings are never eaten, but are left on scaffolds to putrify. After entering these sacred enclosures, no person can eat of any of these kinds of articles, except they have been previously consecrated in the *morai* or temple, and they are for ever forbidden to women. Their religion is very severe, and full of ceremony: nothing can be held more inviolate than a *taboo*; to transgress it is certain death, without respect to rank or person. They have a regular hereditary priesthood, and a sacerdotal language. The priesthood does not exclude them from other employments, so that it is nothing uncommon to see a brave warrior and a priest in the same person. Their grand and principal ceremonies are called *taboos*, which term literally signifies forbidden or prohibited: these are regular every quarter of the moon, and one at every new year, which are lunar; they constitute their chronological system, and are suf-

ficiently correct. The quarterly *taboos* are a universal prohibition, to all those who choose to attend the ceremonies at the temples, from visiting the abodes of the women, and of the latter going near the sea: sometimes it is extended to the men's going in canoes also, but this latter prohibition only takes place during the periodical visits of the fish to their coasts, and is a political measure to preserve them from extermination.

The priests and chiefs assemble in the *morais* on these occasions, where they make offerings to their idols, and the former pray to them for health, prosperity, success to any meditated enterprise, &c. These *taboos* last two or three days, and the grand *maktrybe*, or new year, ten days always. This is a great festival, and the taxes are then collected with much ceremony. Their religion also enjoins that women shall retire from society during their monthly visitations, and, after delivery, to touch or speak to a man in these situations is punished with instant death. The history of mankind shows, that even the most absurd religious ordinances are often instituted on wise motives. The restraining the use of pork and cocoa nuts appears to be a wise law. Pork is generally considered unhealthy in warm climates, and is known to be so in these islands; and the oily properties of the cocoa nut also render it unfavourable to health.

Medicine is generally practised by the priests, whose contemplative way of life has led them to the acquirement of some knowledge of botany; they understand the use and application of vomits

and clysters, which are drawn from the vegetable reign, and sometimes exhibited with success. Topical bleeding is also in use, but a large share of priestcraft and mummery enters into their practice. Fortunately the good constitutions and temperance of these islanders prevents their having often occasion for the skill of their physicians.

The dress of the Sandwich islanders is very slight: for the men it consists of a narrow slip of cloth round their loins, and is nothing more than what modesty requires; that of the women is more ample, and descends below the knees; they also cover the upper part of the body with a piece of cloth, in the form of a mantalet, and decorate their heads and necks with garlands of flowers. The *ensemble* of this *costume* is becoming, and has a pleasing effect. Formerly they had a practice of tatooing, or puncturing different parts of their bodies with a variety of fantastical figures, which are indelible, but this practice is getting much out of vogue.

Their language is soft, abundant, and harmonious; it abounds in vowels, which render it very proper for poetical compositions, of which they are very fond: their history is perpetuated by traditional songs, but their music is too monotonous to be pleasing. Their dwellings are long quadrangular buildings, very neatly thatched, and their interior is clean, and well furnished with mats to sit and sleep on. The men and women have separate houses, and one sex cannot enter the eating houses of the other. All these regulations I was obliged to comply with during my residence among them. Their government

is a strange mixture of despotism, aristocracy, and liberty. There is a regular graduated body of nobility: the present sovereign is not of the highest class in that hierarchy; and though he is as absolute a prince as any on earth, he has subjects to whom he pays the compliment of sitting down when they pass, as an honour due to chiefs of a higher grade than himself. The nobility are, generally speaking, the sole proprietors of the lands, and are masters of the lives and fortunes of their vassals, but not of their liberty. The people are not attached to the *glebe*; their masters may knock their brains out, for the most trivial fault, with impunity; but they cannot force them to work against their wills, nor detain them an instant in their service contrary to their inclinations. This balance of rights has a salutary effect, by restraining the landlords in the exercise of their power, and stimulating the peasants to industry by their dependence on their chiefs. These haughty nobles, in their turn, live in the same dependence on the sovereign, who disposes of their lives and fortunes at pleasure. The political distribution of their territory implies a very considerable degree of perfection in the science of government. Owhyhee is divided into six provinces or principalities, whose limits are very accurately defined, and they are again subdivided into a vast number of districts, every one of which has its limits and name. The political divisions of the territory of all the islands are equally well defined.

These people have no regular body of laws; but private property, the basis of all civil government, is clearly defined and acknowledged.

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ed; therefore, the customs arising from that principle are sufficiently correct for the government of a simple people. Theft, by custom, is punished by death, and other crimes generally by the *lex talionis*, which, as with most barbarous nations, is established among these islanders. The body of priests may be considered as their legislators. From the inviolable veneration in which their taboos are held, the king's mandates, sanctioned by them, acquire all the force and efficacy necessary. The present sovereign is well aware of the importance of this superstition to his authority, and takes great care to cherish it by every means in his power. The body of chiefs of these islands has all the vices naturally to be expected from a privileged class of unenlightened barbarians, who, as far as regards their conduct towards their inferiors, are under the control of no law. They are avaricious, cruel, and inhuman in the extreme. I have been informed that there have been instances of their killing their own servants for shark bait: such instances of barbarity are, however, very rare, and universally reprobated. With foreigners these noble personages are very troublesome: they are beggars and thieves, and have no sense of decency or decorum. Indeed, the king is so well aware of their villany, that he always cautions foreigners against letting any come on board, except those attached to his suite.

The history of these islands is necessarily very obscure, from their having no way of perpetuating remarkable events but by songs; and my ignorance of their language made it very difficult to understand their meaning, which

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is often allegorical. I however learned, that they believe themselves to be the descendants of two persons called *Mowee* and *Henai*, who escaped a universal deluge by flying to the summit of a remarkable high mountain of *Owhyhee*, called the *Mona Koah*. Here, when the waters began to subside, they say that a large bird, of singular shape and beauty, appeared to them, and gave them the laws and regulations they at present observe. They have received by tradition the names of a line of sovereigns, including the present king, whose number, allowing ten years' reign to each, carries back their political existence nine hundred years. As the monarchy is not acknowledged to be hereditary, but, after the death of the reigning prince, is generally usurped by the chief of the most talents and power, the average of ten years may be considered as not far out of the way. The art of agriculture and the construction of fish ponds, they believe to have been taught them by a prince of great wisdom, whose reign is lost in the remotest antiquity. Many years before the discovery of these islands, two white men landed at *Karakakooa* in a skin canoe; one of them is reported to have been much respected for his wisdom and prowess as a warrior. I have seen several of their descendants, whose features are very different from the natives in general.

A curious question arises here on the origin of these islanders. May it not be supposed that the Sandwich islands, with the immense range of islands in the southern hemisphere, of which the *Marquesas* and *Society* groupes are the commencement, and *New Zealand*, once formed a

continent, joining probably with the *Phillipines*, *New Holland*, *Java*, *Bornea*, and the immense archipelago by which the latter are surrounded, which has been broken up by some of the convulsions to which our globe is subject? The general conformity of features and complexion of the inhabitants of most of these islands justify such an opinion. The language of the natives of *New Zealand*, the *Society*, *Marquesas*, and *Sandwich* islands is nearly the same; their manners, customs, manufactures, and religion differ very little. When I first visited the *Sandwich* islands, I was in possession of a vocabulary of the language of *Otaheite*, by *M. De Bougainville*, by which I could make myself understood, and, on inquiry, I found that the names of animals, plants, mountains, and other remarkable objects, common to both countries, were not essentially different; and it is a remarkable fact, that the term denoting a foreign land in *Owhyhee* is *Otaheite*. Yet, before their discovery, they had no idea of the existence of any inhabited world except their own: none of their traditions make mention of it, but all acknowledge a universal deluge. The relative and positive positions of *New Zealand* and the *Sandwich* islands, with the other islands between these extremes, render it contrary to every human possibility to assign them the same origin in any other way. They are situated in different hemispheres, where the prevailing winds are so different, that no chance could have carried emigrants from the same place to people the different groupes, unless we allow them to have had, at some remote period, a sufficient knowledge of astronomy to ex-

plore the ocean; which is allowing more than any thing among them, that we are acquainted with, can justify.

We ran over and anchored in the bay of San Pedro, where I purchased a stock of provisions sufficient to last twelve months, with hogs, sheep, &c., for fear of being obliged to take up our residence on some of the desert islands to leeward. But Providence had ordered it otherwise. We continued our run down the coast, collecting all the furs in our way, and arrived at the point of California the 28th July. Here I took on board a supply of water, and sailed on the 30th for the Sandwich islands.

We experienced nothing extraordinary in our passage down, except a violent hurricane, which began on the night of the 8th of August, and lasted until the 10th at midnight. The ship was so strained in this gale as to set both pumps going again, and I hardly had a hope that she would live through it. Fortunately, as the gale abated, she leaked less, and our prospects brightened again. At 2 o'clock at night, of the 19th, we, to our great joy, saw fires on the high lands of Owhyhee, and the next morning got under the lee of the island, when we were, as usual, visited by great numbers of the natives, of both sexes, who brought us refreshments, &c. On the 22d, we anchored in Karakakooa bay in twenty-two fathoms, sandy bottom, where I had the satisfaction to find the Huron, of Newhaven, from a sealing voyage, bound to Canton. I agreed with this gentleman for my passage, and embarked on board all my furs and specie. I also landed at this island the

greater part of my remaining cargo, in the care of Mr. John Young, a respectable old man, long resident in these islands, and at present viceroy of Owhyhee. The 31st, I sailed for Whahoo, the present residence of the sovereign; with him I hoped to make an exchange of my old ship for one of his small vessels, which it was my intention to send back to the coast with the remainder of my cargo, under the direction of Mr. Hudson, a young gentleman who had been long my companion and assistant. I arrived at Whahoo the 1st of September, where I found the Atahualpa, of Boston, captain Adams commander, also bound to Canton, from the N. W. coast. This ship had been treacherously surprized by the savages of that coast, and the captain, all the officers, and great part of the crew murdered. Other officers and seamen had been put on board from other American ships on the coast, and she was now at the island to refit, where they received, from the king and others, every assistance and hospitable attention in their power to give. Tamaihamaiha offered me my choice of all his vessels in exchange for my ship, and promised to equip the one I should choose in the best manner in his power. I accordingly made choice of a new schooner, of about forty-five tons burthen, then on the stocks, which he agreed to finish, with the assistance of my carpenters and men, and what he could not furnish himself to complete her was to be taken from the ship. Tamaihamaiha was very much flattered by the confidence I placed in him, and assured me that I should have no just cause to repent it. It may seem extraordinary that I should

place such confidence in an uncultivated barbarian; and all I can say in excuse for it is, that my situation was such, that I must at any rate be in his power, and a half confidence in such cases is always dangerous, even with savages, as then no appeal can be made to honour or magnanimity. I immediately began landing every thing remaining into the king's store, and on the 9th I delivered the ship up to his agents, and removed ashore to a commodious suite of houses, assigned me by Tamaihamaiha. They were furnished in the best manner of that country, that is, with mats, cloth, &c., to sleep on; a guard of soldiers was also placed there for my protection.

I spent my time very agreeably at Whahoo; fresh provisions, the enjoyment of a fine climate, and frequent bathing, entirely re-established my health again, which had been reduced very low by the constant fatigue of body and mind for the last three months of my voyage.

By treating Tamaihamaiha with candour and respect, I entirely gained his good will. Many circumstances, very unimportant in themselves, concurred here to inspire him with a high idea of my *savoir* and superiority to the foreigners that he had been accustomed to receive information from, therefore he always treated me with the greatest attention, and assured me that I might command any thing in his power. I very frequently had long conversations with him on the affairs of his government, in which I gave him the best advice in my power. What particularly occupied him at present, was the desire of reducing the island of Atooi, the leeward-

most of the groupe, which has not yet fallen under his domination. This island being so far to leeward, there is considerable risk in an expedition against it, as a miscarriage would be attended with total ruin, on account of the difficulty of returning so far to windward. He has frequently assured me that his ambition would be satisfied with the king of Atooi's acknowledging him as sovereign, and paying him an annual tribute. However this may be, he, like all ambitious men, is determined to have no rival, and is making great preparations for the invasion of that island: my ship, when repaired and equipped, will give great respectability to his naval force.

Here we find an uncultivated barbarian, actuated by the same motives, and using the same specious arguments to justify his pretensions, as his brother kings of the civilized world, planning the conquest of a rival empire! Thus, from the imperial Corsican to the sable Haytian and tawny Sandwich islander, there seems to be no other difference than the means of annoyance which each possesses: their views are the same, and the result of their criminal ambition not very different: a greater or less degree of human misery. I do not mean by these reflections to insinuate any thing against my friend Tamaihamaiha; on the contrary, I have the greatest respect for his virtues and humanity; all I mean is, that mankind, in all situations, is swayed by the same passions, and by ambition in particular. This prince, from motives intuitive in courts, had sent an embassy, about twelve months before this period, to Tamoree, king of Atooi, proposing the above-mentioned conditions of

peace. The latter, not trusting implicitly to the declarations of his adversary, had detained his ambassadors on frivolous pretexts. One of them had found means, with two of the suite, to evade the vigilance of Tamoree, and, escaping in a small canoe, arrived at Whahoo about the time I was leaving the island. He brought information that Tamoree was preparing to come up to the windward islands in a brig, lately built at Atooi; his plan was to come off the port as a foreign vessel, expecting that Tamaihamaiha would come off on board, as is his custom, when he intended to secure him or put him to death. This plan might have succeeded; but the knowledge of it not only destroyed its effect, but has served to give a show of justice to Tamaihamaiha's determination of invading the island.

The king was desirous to have my opinion of the intended expedition, and to show me the means by which he expected to succeed; he wished also to put it in my power to inform Tamoree of them, hoping through my means to induce him to submit to his (Tamaihamaiha's) terms. He accordingly ordered a review before my departure. On the day appointed, the troops arrived by divisions, under their respective chiefs, and formed, with a mixture of native and foreign discipline, on a fine parade that had been previously cleared for the purpose. They were dressed in their best apparel, and armed with muskets, and lances of from three to five fathoms long. They formed in a column of twelve abreast, the musketry in front. After going through their exercises with much precision, they formed in a close

column, and the oath to support their sovereign in the war was administered by the high priest with great solemnity.

On this occasion there was, I believe, about 700 men under arms, 400 of which were musketeers. Many of the young chiefs and their attendants were gaily dressed in their feather cloaks and helmets; the king in particular made a very noble appearance: he looked and behaved like a general. Tamaihamaiha apologized for the small number of men on parade, which, he said, were only his guards and those immediately in the neighbourhood, and added, that, if I would agree to wait a few days, he would assemble ten times the number.

After the parade, Tamaihamaiha assembled his principal chiefs, and in their presence asked my opinion on what he ought to do in the war of Atooi. I advised him to use every means to terminate it in an honourable manner by negotiation, and, if that should fail, to take every possible precaution to secure the tranquillity of the windward islands; to collect stores of provisions; and to go down with only a sufficient number of men to conquer Atooi, leaving some of his vessels to windward to bring him reinforcements of men and provisions, if he required them. My advice was approved of; and I was again requested to use my influence with Tamoree, to have it settled on honourable terms. After this cabinet council, the king ordered a sham fight, with their native weapons blunted, in which the Indians displayed great address. This kind of sport is of the roughest kind, and often terminates in bloodshed: on this occasion, no other accident happened

than two persons slightly wounded.

On the 2d of October I embarked on board of the Atahualpa; in the offing, we joined the Huron, who had arrived from Owhyhee two days before. His majesty and family came on board to take leave, and made me a present of two beautiful feathered cloaks. After bidding adieu to all our friends, and taking an affectionate leave of my friend Hudson, we made sail, at 2, P. M., from Whahoo, for Atooi. In the evening of the 4th, we arrived off the latter, where we fell in with a brig, which, on hailing, we found to belong to Tamoree. He was terribly alarmed at first, and refused to come on board; but after some hesitation he paid us a visit, at about 8 o'clock. After captain Adams had settled with him for the supplies he wanted, I broached the business of my mission, and represented to him the folly of making any resistance to Tamaihamaiha, and the still greater folly of expecting to amuse him by idle tales of submission, which his conduct constantly gave the lie to, and furnished Tamaihamaiha with a pretence for treating him as an enemy. I stated to him the terms on which he might have peace, and exhorted him to lose no time in sending up to make submission, and throw himself entirely on the generosity of the king of Owhyhee, who, I assured him, was disposed to deal favourably by him. When he understood the degree of credit I had with Tamaihamaiha, he declared that he was ready and willing to do any thing that I should advise him to. He desired that I would write to Tamaihamaiha, promising to send my letter immediately up to Whahoo by two

of his principal chiefs, as ambassadors, and assured me that he would comply with whatever terms the king of Owhyhee should dictate, that were consistent with honour and personal safety. I wrote the letter immediately, stating Tamoree's humility, and requesting Tamaihamaiha to attribute his past conduct to bad counsel, and to deal favourably by him.

This poor king has few of the means, either physical or moral, that could entitle him to the glory of contending with the great Tamaihamaiha for empire, and, although I do not pretend to justify the latter in his ambitious plans of conquest, yet I think it for the general good of the islands, that they should be under one government, and I have good reason to believe that there is no one so capable of wielding the imperial sceptre as my friend Tamaihamaiha.

On the 6th we anchored in Whymea bay, in twelve fathoms, clean sandy bottom, in company with the Huron and the king's brig, half a mile from the shore. I landed in company with the gentlemen from both ships, Tamoree remaining on board the Huron as hostage for our safety. We saw a fine valley, admirably well cultivated, and watered by a beautiful river; about two miles up this valley, there is an aqueduct of several miles in length, and upwards of twenty feet high, that leads a large body of water from the heights back, round an almost perpendicular mountain, to water the high parts of the vale. This work is of great antiquity: it is of stone, and constructed with much intelligence.

We received all we were in want of in the course of the day, and in the evening both ships

weighed with the land breeze, and continued their voyage towards Canton. On the 27th of October, I left the *Atahuelpa*, and went on board the *Huron*: captain Malthrop never having been to China, wished to have the benefit of my experience in these seas. We had rather a tedious passage to the Ladrone islands, which we saw on the first of November. I landed, in company with the captain and supercargo, on *Pagon*. This island is composed of several volcanic mountains, of moderate height, surrounded with plains covered with cocoa nut trees, and trees of another kind, bearing a distant resemblance in their foliage to the pine. The largest mountain has a crater of apparently half a mile diameter, which constantly emitted large volumes of smoke

and sparks of fire. On the north-west side of the island there is a smooth bay: there is no safe anchorage in it, on account of a very rocky bottom. A plenty of wood and cocoa nuts may be easily procured here, but I saw no traces of water on the island. We returned on board with a load of cocoa nuts in the evening. At a short distance to leeward of the island we found the air embalmed with the agreeable odour of oranges and lemons. The 12th we saw the Bashee islands; the 13th, the coast of China, and fleets of fishing junks; the 14th, at night, we anchored in Macao roads; the 19th the ships anchored at Whampoa, and I went up to Canton in the evening, where I had the pleasure of meeting a number of friends and acquaintance.

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AMERICAN AND FOREIGN

STATE PAPERS.

FOREIGN STATE PAPERS.

A PROCLAMATION BY THE BRITISH GOVERNMENT IN INDIA.

THE right honourable the governor in council having observed that in some late instances an extraordinary degree of agitation has prevailed among several corps of the native army of this coast, it has been his lordship's particular endeavour to ascertain the motives which may have led to conduct so different from that which formerly distinguished the native army. From this inquiry it has appeared that many persons of evil intention have endeavoured, for malicious purposes, to impress upon the native troops a belief that it is the wish of the British government to convert them by forcible means to christianity; and his lordship in council has observed with concern, that such malicious reports have been believed by many of the native troops.

The right honourable the governor in council, therefore, deems it proper in this public manner to report to the native troops his assurance, that the same respect

which has been invariably shown by the British government for their religion and for their customs, will be always continued; and that no interruption will be given to any native, whether Hindoo or Mussulman, in the practice of his religious ceremonies.

His lordship in council desires that the native troops will not give belief to the idle rumours which are circulated by enemies of their happiness, who endeavour, with the basest designs, to weaken the confidence of the troops in the British government. His lordship in council desires that the native troops will remember the constant attention and humanity which have been shown by the British government, in providing for their comfort, by augmenting the pay of the native officers and Sepoys; by allowing liberal pensions to those who have done their duty faithfully; by making ample provision for the families of those who may have died in battle; and by receiving their children into the service of the honourable company, to be treated with the same

care and bounty as their fathers had experienced.

The right honourable the governor in council trusts that the native troops, remembering these circumstances, will be sensible of the happiness of their situation, which is greater than what the troops of any other part of the world enjoy, and that they will continue to observe the same good conduct for which they were distinguished in the days of general Lawrence, sir Eyre Coote, and of other renowned heroes.

The native troops must at the same time be sensible, that if they should fail in the duties of their allegiance, and should show themselves disobedient to their officers, their conduct will not fail to receive merited punishment, as the British government is not less prepared to punish the guilty, than to protect and distinguish those who are deserving of its favour.

It is directed that this paper be translated with care into the Tamul, Telinga, and Hindoostany languages; and that copies of it be circulated to each native battalion, of which the European officers are enjoined and ordered to be careful in making it known to every native officer and Sepoy under his command.

It is also directed that copies of the paper be circulated to all the magistrates and collectors under this government, for the purpose of being fully understood in all parts of the country.

Published by order of the right honourable the governor in council.

G. BUCHAN,

Chief secretary to government.

Dated in Fort St. George,

Dec. 3d, 1806.

DECLARATION OF THE EMPEROR OF RUSSIA.

The higher the value in which the emperor held the amity of his Britannic majesty, the keener the regret he must feel at the complete alienation of that monarch.

Twice has the emperor taken up arms in a cause in which the interests of England were most immediately concerned: but he has solicited to no purpose her co-operation to promote the accomplishment of her own objects. He did not require she should unite her forces with his: he was anxious only she should make a diversion in their favour. He was astonished that in the furtherance of her own cause she herself would make no exertion. On the contrary, she looked on a cold spectatrix of the sanguinary theatre of the war, which she had herself kindled, and sent a part of her troops to attack Buenos Ayres. Another portion of her army, which seemed to be destined to make a diversion in Italy, finally withdrew from Sicily where it was assembled. Hopes were entertained that they had taken that step in order to throw themselves on the Neapolitan coast; but it was soon understood that they were employed in taking possession of Egypt.

But what most sensibly hurt the feelings of his imperial majesty was, to see that, in violation of the faith and express stipulations of treaties, England annoyed the maritime trade of his subjects: and at what period was this proceeding adopted? When the blood of the Russians was flowing in the glorious battles which accumulated and directed against the armies of his imperial majesty the whole of the military force of his majesty

the emperor of the French, with whom England was, and still is, at war!

When the two emperors made peace, his majesty, notwithstanding his just causes of displeasure at the conduct of England, did not, however, refrain from endeavouring to render her services. The emperor stipulated, in that very treaty, that he should interpose his mediation between England and France; and he accordingly made an offer of that mediation to the king of Great Britain, apprizing him that it was with a wish to obtain honourable conditions for him. But the British ministry, adhering no doubt to the plan that was to dissolve and break off all the ties between Russia and England, rejected that mediation.

The peace between Russia and France was likely to bring about a general peace; but it was at this moment that England suddenly awoke from that apparent lethargy in which she had slumbered; though it was only to throw into the north fresh fire-brands, which were to re-kindle, and have actually kindled, the flames of war which she was desirous not to see extinguished.

Her fleets, her troops, appeared on the Danish coasts, to execute an act of violence, of which history, so fruitful in examples, records no parallel.

A power distinguished for its peaceful and moderate conduct, and for a long and unexpected course of wise neutrality, and who sustained, amidst surrounding monarchies, a kind of moral dignity, finds itself treated as if it was engaged in secret plots, and was meditating the downfall of England: while the whole of these imputations were only meant to

justify the sudden and entire spoliation of that power.

The emperor, wounded in his dignity, wounded in the affection he feels for his people, wounded in his engagements with the courts of the north, by this act of violence committed in the Baltic, a close sea, the tranquillity of which has so long depended on the court of St. James's, and is reciprocally guaranteed by both powers, did not dissemble his resentment against England, and warned her that he should not remain indifferent to such a proceeding.

His majesty did not foresee, that while England, having successfully employed her forces, was on the point of seizing on her prey, she would offer a fresh outrage to Denmark, in which his majesty was to bear a part.

New propositions, still more insidious than those made at first, were made to Denmark, which aimed at binding down to England that power thus subjugated, degraded, and applauding, as it were, every thing that had happened.

Still less did the emperor foresee that it would be proposed to him to guarantee that submission, and to promise that that act of violence should not be attended with any mischievous consequence to England.

The English ambassador seems to have imagined that he might venture to propose to the minister of the emperor, that his imperial majesty should undertake the apology and defence of a proceeding which his majesty had so openly condemned. To this step on the part of the cabinet of Saint James's, his majesty has thought proper to pay only that attention which it deserved, and has deemed

it high time to set limits to his moderation.

The prince royal of Denmark, endowed with a character full of nobleness and energy, and having been blessed by Providence with a soul as elevated as his rank, had apprized the emperor, that, justly enraged against what had recently happened at Copenhagen, he had not ratified the convention respecting it, and that he considered it as null and void.

That prince has just now acquainted his majesty with the new propositions that have been made to him, and which are of a nature rather to provoke his resistance than to appease his resentment, for they tend to stamp on his actions the seal of degradation, the impress of which they never will exhibit.

The emperor, struck with the confidence which the prince royal placed in him, having moreover considered his own grounds of dissatisfaction with England, having attended to his engagements with the powers of the north, engagements entered into by the empress Catharine, and by his late imperial majesty, both of glorious memory, has resolved upon fulfilling them.

His imperial majesty breaks off all communication with England; he recalls his embassy from that court, and will not allow any ambassador from her to continue at his court. There shall henceforward exist no relations between the two countries.

The emperor declares that he abrogates for ever every act hitherto concluded between Great Britain and Russia, and particularly the convention concluded in 1801. He proclaims anew the principles of the armed neutrality, that monument of the wisdom of

the empress Catharine, and binds himself never to recede from that system.

He calls upon England to give complete satisfaction to his subjects, with respect to all the just claims they may set up, of ships and merchandizes seized and detained contrary to the express tenor of the treaties concluded during his own reign.

The emperor gives warning, that nothing shall be re-established between Russia and England, until the latter shall have given satisfaction to Denmark.

The emperor expects, that his Britannic majesty, instead of permitting his ministers to scatter fresh seeds of war, in compliance only with his own feelings, will be induced to conclude a peace with his majesty the emperor of the French, which would be extending in a manner, to the whole world, the inestimable blessings of a peace.

When the emperor shall be satisfied upon all these points, and especially upon that of a peace between France and England, without which no part of Europe can expect to enjoy any real tranquillity, his imperial majesty will then willingly return to the relations of amity with Great Britain, which, in the state of just resentment which the emperor should feel, he has maintained, perhaps, too long.

Done at Petersburg, the 26th October, 1807.

COUNTER-DECLARATION OF GREAT BRITAIN.

The declaration issued at St. Petersburg, by his majesty the

emperor of all the Russias, has excited in his majesty's mind the strongest sensations of astonishment and regret.

His majesty was not unaware of the nature of those secret engagements, which had been imposed upon Russia in the conferences of Tilsit. But his majesty had entertained the hope, that a review of the transactions of that unfortunate negotiation, and a just estimate of its effects upon the glory of the Russian name, and upon the interests of the Russian empire, would have induced his imperial majesty to extricate himself from the embarrassment of those new counsels and connections, which he had adopted in a moment of despondency and alarm, and to return to a policy more congenial to the principles which he has so invariably professed, and more conducive to the honour of his crown, and to the prosperity of his dominions.

This hope has dictated to his majesty the utmost forbearance and moderation in all his diplomatic intercourse with the court of St. Petersburg since the peace of Tilsit.

His majesty had much cause for suspicion, and just ground of complaint. But he abstained from the language of reproach. His majesty deemed it necessary to require specific explanation with respect to those arrangements with France, the concealment of which from his majesty could not but confirm the impression already received of their character and tendency. But his majesty nevertheless directed the demand of that explanation to be made, not only without asperity or the indication of any hostile disposition, but with that considerate regard

to the feelings and situation of the emperor of Russia, which resulted from the recollection of former friendship, and from confidence interrupted but not destroyed.

The declaration of the emperor of Russia proves that the object of his majesty's forbearance and moderation has not been attained. It proves, unhappily, that the influence of that power, which is equally and essentially the enemy both of Great Britain and Russia, has acquired a decided ascendancy in the counsels of the cabinet of St. Petersburg; and has been able to excite a causeless enmity between two nations, whose long established connection, and whose mutual interests, prescribed the most intimate union and co-operation.

His majesty deeply laments the extension of the calamities of war. But called upon, as he is, to defend himself against an act of unprovoked hostility, his majesty is anxious to refute, in the face of the world, the pretexts by which that act is attempted to be justified.

The declaration asserts, that his majesty the emperor of Russia has twice taken up arms in a cause in which the interest of Great Britain was more direct than his own; and founds upon this assertion the charge against Great Britain of having neglected to second and support the military operations of Russia.

His majesty willingly does justice to the motives which originally engaged Russia in the great struggle against France. His majesty avows with equal readiness the interest which Great Britain has uniformly taken in the fates and fortunes of the powers of the continent. But it would surely be difficult to prove that Great

Britain, who was herself in a state of hostility with Prussia when the war broke out between Russia and France, had an interest and a duty more direct in espousing the Prussian quarrel than the emperor of Russia, the ally of his Prussian majesty, the protector of the north of Europe, and the guarantee of the Germanick constitution.

It is not in a public declaration that his majesty can discuss the policy of having at any particular period of the war effected, or omitted to effect, disembarkations of troops on the coasts of Naples. But the instance of the war with the porte is still more singularly chosen to illustrate the charge against Great Britain of indifference to the interests of her ally : a war undertaken by Great Britain at the instigation of Russia, and solely for the purpose of maintaining Russian interests against the influence of France.

If, however, the peace of Tilsit is indeed to be considered as the consequence and the punishment of the imputed inactivity of Great Britain, his majesty cannot but regret that the emperor of Russia should have resorted to so precipitate and fatal a measure, at the moment when he had received distinct assurances that his majesty was making the most strenuous exertions to fulfil the wishes and expectations of his ally (assurances which his imperial majesty received and acknowledged with apparent confidence and satisfaction); and when his majesty was, in fact, prepared to employ, for the advancement of the common objects of the war, those forces which, after the peace of Tilsit, he was under the necessity of employing to disconcert a com-

bination directed against his own immediate interests and security.

The vexation of Russian commerce by Great Britain is, in truth, little more than an imaginary grievance. Upon a diligent examination, made by his majesty's command, of the records of the British court of admiralty, there has been discovered only a solitary instance, in the course of the present war, of the condemnation of a vessel really Russian : a vessel which had carried naval stores to a port of the common enemy. There are but few instances of Russian vessels detained; and none in which justice has been refused to a party complaining of such detention. It is therefore matter of surprize as well as of concern to his majesty, that the emperor of Russia should have condescended to bring forward a complaint, which, as it cannot be seriously felt by those in whose behalf it is urged, might appear to be intended to countenance those exaggerated declamations, by which France perseveringly endeavours to inflame the jealousy of other countries, and to justify inveterate animosity against Great Britain.

The peace of Tilsit was followed by an offer of mediation on the part of the emperor of Russia, for the conclusion of a peace between Great Britain and France; which it is asserted that his majesty refused.

His majesty did not refuse the mediation of the emperor of Russia, although the offer of it was accompanied by circumstances of concealment, which might well have justified his refusal. The articles of the treaty of Tilsit were not communicated to his majesty; and specifically that ar-

article of the treaty, in virtue of which the mediation was proposed, and which prescribed a limited time for the return of his majesty's answer to that proposal. And his majesty was thus led into an apparent compliance with a limitation so offensive to the dignity of an independent sovereign. But the answer so returned by his majesty was not a refusal: it was a conditional acceptance. The conditions required by his majesty were, a statement of the basis upon which the enemy was disposed to treat; and a communication of the articles of the peace of Tilsit. The first of these conditions was precisely the same which the emperor of Russia had himself annexed, not four months before, to his own acceptance of the proffered mediation of the emperor of Austria. The second was one which his majesty would have had a right to require, even as the ally of his imperial majesty; but which it would have been highly improvident to omit, when he was invited to confide to his imperial majesty the care of his honour and his interests.

But, even if these conditions (neither of which has been fulfilled, although the fulfilment of them has been repeatedly required by his majesty's ambassador at St. Petersburg) had not been in themselves perfectly natural and necessary, there were not wanting considerations which might have warranted his majesty in endeavouring, with more than ordinary anxiety, to ascertain the views and intentions of the emperor of Russia, and the precise nature and effect of the new relations which his imperial majesty had contracted.

The complete abandonment of the interests of the king of Prussia (who had twice rejected proposals of separate peace, from a strict adherence to his engagements with his imperial ally), and the character of those provisions which the emperor of Russia was contented to make for his own interests in the negotiations of Tilsit, presented no encouraging prospect of the result of any exertions which his imperial majesty might be disposed to employ in favour of Great Britain.

It is not while a French army still occupies and lays waste the remaining dominions of the king of Prussia, in spite of the stipulations of the Prussian treaty of Tilsit; while contributions are arbitrarily exacted by France from that remnant of the Prussian monarchy, such as, in its entire and most flourishing state, the Prussian monarchy would have been unable to discharge; while the surrender is demanded, in time of peace, of Prussian fortresses, which had not been reduced during the war; and while the power of France is exercised over Prussia with such shameless tyranny, as to designate and demand for instant death, individuals, subjects of his Prussian majesty, and resident in his dominions, upon a charge of disrespect towards the French government; it is not while all these things are done and suffered, under the eyes of the emperor of Russia, and without his interference on behalf of his ally, that his majesty can feel himself called upon to account to Europe, for having hesitated to repose an unconditional confidence in the efficacy of his imperial majesty's mediation.

Nor, even if that mediation had taken full effect, if a peace had been concluded under it, and that peace guaranteed by his imperial majesty, could his majesty have placed implicit reliance on the stability of any such arrangement, after having seen the emperor of Russia openly transfer to France the sovereignty of the Ionian republic, the independence of which his imperial majesty had recently and solemnly guaranteed.

But while the alleged rejection of the emperor of Russia's mediation, between Great Britain and France, is stated as a just ground of his imperial majesty's resentment, his majesty's request of that mediation, for the re-establishment of peace between Great Britain and Denmark, is represented as an insult which it was beyond the bounds of his imperial majesty's moderation to endure.

His majesty feels himself under no obligation to offer any atonement or apology to the emperor of Russia for the expedition against Copenhagen. It is not for those who were parties to the secret arrangements of Tilsit, to demand satisfaction for a measure to which those arrangements gave rise, and by which one of the objects of them has been happily defeated.

His majesty's justification of the expedition against Copenhagen is before the world. The declaration of the emperor of Russia would supply whatever was wanting in it, if any thing could be wanting to convince the most incredulous of the urgency of that necessity under which his majesty acted.

But, until the Russian declaration was published, his majesty had no reason to suspect that any

opinions which the emperor of Russia might entertain of the transactions at Copenhagen, could be such as to preclude his imperial majesty from undertaking, at the request of Great Britain, that same office of mediator, which he had assumed with so much alacrity on the behalf of France. Nor can his majesty forget that the first symptoms of reviving confidence, since the peace of Tilsit, the only prospect of success in the endeavours of his majesty's ambassador to restore the ancient good understanding between Great Britain and Russia, appeared when the intelligence of the siege of Copenhagen had been recently received at St. Petersburg.

The inviolability of the Baltic sea, and the reciprocal guaranties of the powers that border upon it, guaranties said to have been contracted with the knowledge of the British government, are stated as aggravation of his majesty's proceedings in the Baltic. It cannot be intended to represent his majesty as having at any time acquiesced in the principles upon which the inviolability of the Baltic is maintained, however his majesty may, at particular periods, have forborne, for special reasons influencing his conduct at the time, to act in contradiction to them. Such forbearance never could have applied but to a state of peace and real neutrality in the north; and his majesty most assuredly could not be expected to recur to it, after France has been suffered to establish herself in undisputed sovereignty along the whole coast of the Baltic sea, from Dantzic to Lubeck.

But the higher the value which the emperor of Russia places on the engagements respecting the

tranquillity of the Baltic, which he describes himself as inheriting from his immediate predecessors, the empress Catharine and the emperor Paul, the less justly can his imperial majesty resent the appeal made to him by his majesty as the guarantee of the peace to be concluded between Great Britain and Denmark. In making that appeal, with the utmost confidence and sincerity, his majesty neither intended, nor can he imagine that he offered, any insult to the emperor of Russia, nor can his majesty conceive that, in proposing to the prince royal terms of peace, such as the most successful war on the part of Denmark could hardly have been expected to extort from Great Britain, his majesty rendered himself liable to the imputation, either of exasperating the resentment, or of outraging the dignity of Denmark.

His majesty has thus replied to all the different accusations by which the Russian government labours to justify the rupture of a connection which has subsisted for ages, with reciprocal advantage to Great Britain and Russia; and attempts to disguise the operation of that external influence by which Russia is driven into unjust hostilities for interests not her own.

The Russian declaration proceeds to announce the several conditions on which alone these hostilities can be terminated, and the intercourse of the two countries renewed.

His majesty has already had occasion to assert, that justice has in no instance been denied to the claims of his imperial majesty's subjects.

The termination of the war with Denmark has been so anxiously sought by his majesty, that it cannot be necessary for his majesty to renew any professions upon that subject. But his majesty is at a loss to reconcile the emperor of Russia's present anxiety for the completion of such an arrangement, with his imperial majesty's recent refusal to contribute his good offices for effecting it.

The requisition of his imperial majesty for the immediate conclusion, by his majesty, of a peace with France, is as extraordinary in the substance as it is offensive in the manner. His majesty has at no time declined to treat with France, when France has professed a willingness to treat on an admissible basis; and the emperor of Russia cannot fail to remember that the last negotiation between Great Britain and France was broken off, upon points immediately affecting, not his majesty's own interests, but those of his imperial ally. But his majesty neither understands, nor will he admit, the pretension of the emperor of Russia to dictate the time or the mode of his majesty's pacific negotiations with other powers. It never will be endured by his majesty that any government shall indemnify itself for the humiliation of serviency to France, by the adoption of an insulting and peremptory tone towards Great Britain.

His majesty proclaims anew those principles of maritime law, against which the armed neutrality, under the auspices of the empress Catharine, was originally directed, and against which the present hostilities of Russia are denounced. Those principles have

been recognized and acted upon in the best periods of the history of Europe; and acted upon by no power with more strictness and severity than by Russia herself, in the reign of the empress Catharine.

Those principles it is the right and the duty of his majesty to maintain; and against every confederacy his majesty is determined, under the blessing of Divine Providence, to maintain them. They have at all times contributed essentially to the support of the maritime power of Great Britain; but they are become incalculably more valuable and important at a period when the maritime power of Great Britain constitutes the sole remaining bulwark against the overwhelming usurpations of France; the only refuge to which other nations may yet resort, in happier times, for assistance and protection.

When the opportunity for peace between Great Britain and Russia shall arrive, his majesty will embrace it with eagerness. The arrangements of such a negotiation will not be difficult or complicated. His majesty, as he has nothing to concede, so he has nothing to require: satisfied, if Russia shall manifest a disposition to return to her ancient feelings of friendship towards Great Britain; to a just consideration of her own true interests; and to a sense of her own dignity as an independent nation.

Westminster, Dec. 18,

1807.

KING'S SPEECH, READ BY THE
LORD CHANCELLOR, AT THE
OPENING OF THE BRITISH PARLIAMENT, JAN. 21, 1808.

My lords and gentlemen,

We have received his majesty's commands to assure you, that in calling you together at this important conjuncture of affairs, he entertains the most perfect conviction, that he shall find in you the same determination with which his majesty himself is animated, to uphold the honour of his crown, and the just rights and interests of his people.

We are commanded by his majesty to inform you, that no sooner had the result of the negotiations at Tilsit confirmed the influence and controul of France over the powers of the continent, than his majesty was apprized of the intentions of the enemy to combine those powers in one general confederacy, to be directed either to the entire subjugation of this kingdom, or to the imposing upon his majesty an insecure and ignominious peace.

That, for this purpose, it was determined to force into hostility against his majesty, states which had hitherto been allowed by France to maintain or to purchase their neutrality; and to bring to bear against different points of his majesty's dominions, the whole of the naval force of Europe, and specifically the fleets of Portugal and Denmark.

To place those fleets out of the power of such a confederacy, became therefore the indispensable duty of his majesty.

In the execution of this duty, so far as related to the Danish fleet, his majesty has commanded us to assure you, that it was with the deepest reluctance that his majesty found himself compelled, after his earnest endeavours to open a negotiation with the Danish government had failed, to authorize

his commanders to resort to the extremity of force, but that he has the greatest satisfaction in congratulating you upon the successful execution of this painful but necessary service.

We are further commanded to acquaint you, that the course which his majesty had to pursue with respect to Portugal was happily of a nature more congenial to his majesty's feelings. The timely and unreserved communication by the court of Lisbon of the demands and designs of France, while it confirmed to his majesty the authenticity of the advices which he had received from other quarters, entitled that court to his majesty's confidence, in the sincerity of the assurances by which that communication was accompanied.

The fleet of Portugal was destined by France to be employed as an instrument of vengeance against Great Britain. That fleet has been secured from the grasp of France, and is now employed in conveying to its American dominions the hopes and fortunes of the Portuguese monarchy. His majesty implores the protection of Divine Providence upon that enterprize, rejoicing in the preservation of a power so long the friend and ally of Great Britain, and in the prospect of its establishment in the new world with augmented strength and splendour.

We have it in command from his majesty to inform you, that the determination of the enemy to excite hostilities between his majesty and his late allies, the emperors of Russia and Austria, and the king of Prussia, has been but too successful; and that the ministers from those powers have demanded and received their passports.

This measure, on the part of Russia, has been attempted to be justified by a statement of wrongs and grievances which have no real foundation. The emperor of Russia had indeed proffered his mediation between his majesty and France. His majesty did not refuse that mediation; but he is confident you will feel the propriety of its not having been accepted until his majesty should have been enabled to ascertain that Russia was in a condition to mediate impartially, and until the principles of the basis on which France was ready to negotiate were made known to his majesty.

No pretence of justification can be alleged for the hostile conduct of the emperor of Austria, or for that of his Prussian majesty. His majesty has not given the slightest ground of complaint to either of those sovereigns, nor, even at the moment when they have respectively withdrawn their ministers, have they assigned to his majesty any distinct cause for that proceeding.

His majesty has directed that copies of the correspondence between his majesty's ambassador and the minister for foreign affairs of his imperial majesty the emperor of Russia, during the negotiations at Tilsit, and the official note of the Russian minister at this court, containing the offer of his imperial majesty's mediation between his majesty and France, together with the answer returned to that note by his majesty's command; and also copies of the official notes presented by the Austrian minister at this court, and of the answers which his majesty commanded to be returned to them, should be laid before you.

It is with concern that his majesty commands me to inform you, that, notwithstanding his earnest wishes to terminate the war in which he is engaged with the Ottoman porte, his majesty's endeavours, unhappily for the Turkish empire, have been defeated by the machinations of France, not less the enemy of the porte than of Great Britain.

But while the influence of France has been thus unfortunately successful in preventing the termination of existing hostilities, and in exciting new war against this country, his majesty commands us to inform you, that the king of Sweden has resisted every attempt to induce him to abandon his alliance with Great Britain; and that his majesty entertains no doubt that you will feel with him the sacredness of the duty which the firmness and fidelity of the king of Sweden impose upon his majesty; and that you will concur in enabling his majesty to discharge it in a manner worthy of this country.

It remains for us, according to his majesty's command, to state to you, that the treaty of commerce and amity between his majesty and the United States of America, which was concluded and signed by commissioners duly authorized for that purpose, on the 31st of December, 1806, has not taken effect, in consequence of the refusal of the president of the United States to ratify that instrument.

For an unauthorized act of force committed against an American ship of war, his majesty did not hesitate to offer immediate and spontaneous reparation. But an attempt has been made by the American government to connect with the question which has arisen out of this act, pretensions incon-

sistent with the maritime rights of Great Britain: such pretensions his majesty is determined never to admit. His majesty, nevertheless, hopes that the American government will be actuated by the same desire to preserve the relations of peace and friendship between the two countries which has ever influenced his majesty's conduct, and that any difficulties in the discussion now pending may be effectually removed.

His majesty has commanded us to state to you, that in consequence of the decree by which France declared the whole of his majesty's dominions to be in a state of blockade, and subjected to seizure and confiscation the produce and manufactures of his kingdom, his majesty resorted, in the first instance, to a measure of mitigated retaliation; and that this measure having proved ineffectual for its object, his majesty has since found it necessary to adopt others of greater rigour, which he commands us to state to you will require the aid of parliament to give them complete and effectual operation.

His majesty has directed copies of the orders which he has issued, with the advice of his privy council, upon this subject, to be laid before you; and he commands us to recommend them to your early attention.

Gentlemen of the house of commons,

His majesty has directed the estimates for the ensuing year to be laid before you, in the fullest confidence that your loyalty and public spirit will induce you to make such provision for the public service as the urgency of affairs may require.

His majesty has great satisfaction in informing you, that, not-

withstanding the difficulties which the enemy has endeavoured to impose upon the commerce of his subjects, and upon their intercourse with other nations, the resources of the country have continued in the last year to be so abundant, as to have produced, both from the permanent and temporary revenue, a receipt considerably larger than that of the preceding year.

The satisfaction which his majesty feels assured you will derive, in common with his majesty, from this proof of the solidity of these resources, cannot but be greatly increased, if, as his majesty confidently hopes, it shall be found possible to raise the necessary supplies for the present year, without any material additions to the public burthens.

My lords and gentlemen,

We are especially commanded to say to you, in the name of his majesty, that, if ever there was a just and national war, it is that which his majesty is now compelled to prosecute. This war is in its principle purely defensive. His majesty looks but to the attainment of a secure and honourable peace; but such a peace can only be negotiated upon a footing of perfect equality.

The eyes of Europe and of the world are fixed upon the British parliament.

If, as his majesty confidently trusts, you display, in this crisis of the fate of the country, the characteristic spirit of the British nation, and face unappalled the unnatural combination which is gathered around us, his majesty bids us to assure you of his firm persuasion, that, under the blessing of Divine Providence, the struggle will prove

successful and glorious to Great Britain.

We are lastly commanded to assure you, that, in this awful and momentous contest, you may rely on the firmness of his majesty, who has no cause but that of his people; and that his majesty reciprocally relies on the wisdom, the constancy, and the affectionate support of his parliament.

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A motion was made in the house of lords to omit the 4th paragraph in the motion for an address to the throne (viz., the paragraph respecting the seizure of the Danish fleet), and the question being put, "That the said paragraph do stand part of the motion," the same was carried in the affirmative.

DISSENTIENT,

Because no proof of hostile intention on the part of Denmark has been adduced, nor any case of necessity made out to justify the attack upon Copenhagen, without which the measure is, in our conception, discreditable to the character and injurious to the interests of this country.

W. FREDERICK,
RAWDON,
LAUDERDALE,
GREY,
VASSAL HOLLAND,
NORFOLK,
SIDMOUTH.

DISSENTIENT, for the above reasons, and for those that follow:

Because it has only been through the slow and painful progression of many ages, that civilized nations have emerged from a state of continual insecurity and

violence, by the establishment of a universal public law, whose maxims and precedents have been long acknowledged to be of the same force and obligation as the municipal constitutions of particular states: a system which has gradually ripened with the advancement of learning and extension of commerce, and which ought to be held sacred and inviolate by all governments, as binding the whole civilized world under one politic and moral dominion.

Because alleged departures from the principles and authority of this public law, in the earliest stages of the French revolution, were held out, by the parliament of Great Britain, as the origin and justification of the first war with revolutionary France, and because, in all its subsequent stages, the continuance of hostilities was uniformly vindicated, in various acts of state, as being necessary for the support of the moral and political order of the world, against the avowed disregard and subversion of it by the different governments of France, in their groundless and unprovoked attacks upon the independence of unoffending nations.

Because the people of Great Britain, on being repeatedly called upon by the king and parliament to support the public law thus alleged to have been violated, and to exhibit an example to the most distant ages, of inflexible national virtue, submitted to the heaviest burthens, and sacrificed the most essential advantages, rather than consent to any peace, which was considered by their government as an abandonment of their allies, or as an inadequate security for the rights and privileges of other nations. And because it appears in many state papers, during the pro-

gress of the wars with the different governments of France, that it was the duty and interest of Great Britain, and her pledge to the world, to maintain inviolate the acknowledged principles of public law, as the only foundation upon which the relations of peace and amity between nations could be supported.

Because it is the first and most indispensable maxim of public law, founded indeed upon the immutable principles of justice, that no violence should be offered by one state to another, nor any intrusion made upon the rights, property, independence, or security of its inhabitants, except upon an aggression by such state, and the refusal of adequate satisfaction; or in the rare instance of indispensable necessity, involving national destruction, such as in the case of an individual would justify homicide, or destructive of grace for self-preservation: and because the observance of this rule should, if possible, be held more sacred by great and powerful nations, it being the very end and object of universal law to give perfect security to the weakest communities, under the shadow of an impartial justice.

Because the late attack upon Copenhagen, in a season of profound peace with the crown and people of Denmark, and immediately following the solemn declaration by the crown prince, of his resolution to maintain his neutrality, and to consider any nation as an enemy which should seek to disturb it, would, without some just cause, which in this case is wholly unsupported by proof, be a most manifest and unprincipled departure from the whole system of moral policy and justice, which the British government had, as above,

professed to act upon, inasmuch as any contempt or violation of public law by the government of France, though it might release Great Britain from all observance of it, as far as regarded such offending belligerent, could not possibly destroy or affect its protective sanctions in her intercourses with friendly and peaceable states. On the contrary, it ought to have invested the law of nations with a more binding and sacred obligation, since the professed object and justification of our war with France, at that very moment, was to restore to a suffering world the good faith and security which had been lost by a contempt of its dominion.

Because information of a projected confederacy between France and Denmark, assumed, without evidence, to have been communicated to ministers through channels which called, on their parts, for inviolable secrecy, might be a foundation for acquitting them from blame, if the question before the house had been the propriety of their acquittal or condemnation, yet it cannot possibly justify, in the absence of all proof, an address to his majesty, pronouncing their attack upon Copenhagen to be an act of indispensable duty; because, giving credit to the declarations of ministers, that they had information of such projected confederacy, it is impossible for this house to know whether they ought to have been acted upon, to so dreadful an extent, without having before it, most precisely and distinctly, the specific nature of such communications, so as to be able to estimate the credit due to them, not only from the facts themselves, but from the situation and characters of the persons by whom they were made.

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The conduct, besides, of ministers, in the whole transaction, is in manifest opposition to this principle of the attack. They made no such charge upon Denmark when before Copenhagen, nor even pretended to have invaded her with a cause of war. Their language upon the spot, and even in the address proposed to his majesty, is the language of regret, a language utterly inconsistent with the vindication of a proceeding which would have been as mild and forbearing against an enemy, as it was barbarous and treacherous against a friend. The position also of Denmark, when the assault was made upon her, is the strongest evidence to resist the presumption of an understanding with France. Her army was in Holstein, which France was menacing, whilst Zealand was left defenceless, and the ships dismantled, at a moment when the consciousness of a treaty or confederacy must have suggested to all the contracting or confederating parties the necessity of concentrating the whole force of Denmark, to defend her capital, and to secure her fleet.

Because no evidence whatever has been laid before the house, to establish any hostile confederacy between Denmark and France, nor any design on the part of the former to depart from the strictest neutrality; on the contrary, the above-mentioned solemn declaration of the crown prince to the British minister ought to have been received by his majesty's servants as the pledge of a firm resolution to maintain neutrality; and because nothing short of a hostile design in the government of Denmark could justify the demand of her fleet, or the

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bombardment of Copenhagen to enforce the surrender of it.

Because it was completely in the power of Great Britain to have protected the Danish fleet from any hostile attack of France, which destroys the pretence of such an indispensable necessity as could alone justify even the slightest trespass upon a peaceable and unoffending state.

Because still assuming, in the absence of all evidence to the contrary, that the government of Denmark was faithful to her neutrality, no speculation of the probable fall of her fleet into the possession or power of France could possibly justify its hostile seizure by Great Britain. Such a principle would be utterly subversive of the first elements of public law, being destructive of the independence of weaker states, inasmuch as it would create a jurisdiction in the stronger nations to substitute their own security and convenience for the general rule, and invest them also with the sole privilege of determining the occasions upon which they might consider them to be endangered; and because to justify the attack and plunder of a weak unoffending power, upon the assumption that a stronger belligerent might otherwise attack and plunder her, would be to erect a new public law upon the foundations of dishonour and violence, making the tyranny of one nation a warrant for substituting the dominion of oppression for the sacred obligations of morality, humanity, and justice.

Because, supposing it to have been not only probable, but even certain, that France could have succeeded in carrying away in the winter the ships and stores from

Copenhagen, but without the consent of Denmark, faithful to her neutrality, the iniquity of that act in sound policy, independently of all considerations of justice, ought to have been left to the French government to perpetrate; because the carcasses of the ships would have been the only fruit of an act of the deepest atrocity, whilst the indignation of a brave and generous people, now too justly directed against Great Britain, would then have been pointed against France; and Denmark, with the protection of our fleets, might have kept open the Baltic to our commerce, and extended our maritime means of restoring the tranquillity of the world.

Because, until this attack upon Copenhagen shall receive vindication by proof of its justice, or condemnation, in the absence of it, from the parliament of Great Britain, she has lost her moral station in the world, since the very system of wrong and violence, which she has so long confederated Europe to destroy, at the expence of her blood and resources, will have been established and confirmed by her own example.

Because a whole nation ought not in the mean time to be dishonoured, nor its immemorial characteristic brought into question for the acts of ministers; and because it is the duty of those subjects, who, by the constitution of the government, have the high privilege of perpetuating their sentiments upon the public records of their country, to vindicate themselves from the imputation of having acquiesced in acts of the greatest injustice.

ERSKINE.

PAPERS PRESENTED TO BOTH
HOUSES OF PARLIAMENT, JANUARY, 1808.

Papers relative to Russia.

No. 1 announces to lord Gower, in a letter from general Budberg, the conclusion of an armistice between Russia and France.

No. 2 an answer by lord Gower, in which he expresses his confidence that the emperor of Russia will not negotiate for a separate, but for a general peace, and will involve, in his treaty with France, the interest of every belligerent party equally with that of Russia.

No. 3.

Note from General Budberg to his Excellency Lord Granville Leveson Gower, dated Tilsit, June 18 (June 30), 1807.

SIR AND AMBASSADOR,

I have received the letter which your excellency did me the honour of addressing to me yesterday; and, having laid it before the emperor, my august master, I hasten to transmit to you the answer which his imperial majesty has commanded me to return to it.

The firmness and perseverance with which his majesty, during eight months, maintained and defended a cause which he had reason to suppose common to all sovereigns, are the most certain pledges of the intentions which animated him, as well as of the loyalty and purity of his principles.

Never would his imperial majesty have thought of deviating from that system which he has hitherto pursued, if he had been

supported by a real assistance on the part of his allies.

But having, from the separation of Austria and of England, found himself reduced to his own forces, having to combat with the forces of France, united to the immense means of which she has the disposal, and in the critical position at which affairs had arrived, his majesty was authorized in believing, that, by continuing to sacrifice himself for others, he would ultimately incur a risk of compromising the safety of his own empire, without being enabled to hope that he might ever fulfil the original object of this war.

The conduct which your government has held during these latter times, is, moreover, of a nature completely to justify the determination which the emperor has now taken. The diversion on the continent, which England has so long since promised, has not to this day taken place; and if even, according to the latest advices from London, it would appear that the British ministry has at length decided on ordering the departure of 10,000 men to Pomerania, that succour is in no wise proportioned, either to the hopes which we were authorized in entertaining, or to the importance of the object to which these troops were intended to be destined.

The pecuniary aid which England constantly afforded to the powers of the continent at war with France, might, in some degree, have supplied the want of English troops. Not only did the British government decline facilitating the loan which the imperial court had intended to negotiate at London, but, when it at length decided on offering some subsidy to the continental powers,

it appeared that the sum destined for this purpose, so far from meeting the exigencies of the allies, would not even have covered the indispensable expences of Prussia.

In fine, the use which has been made of the British forces in the Mediterranean has not been more conformable than the rest, to the unity and the connection with which it was indispensable to act in the operations of Russia and England. In lieu of attempting an expedition on the continent of Italy, with a view of reconquering the kingdom of Naples, or else in lieu of uniting these forces to those of Russia which were designed to compel the porte to a reasonable peace, one part of the English troops stationed in Sicily directed their course towards an entirely different destination, which the British government had not even judged proper to communicate to the court of Russia. It is a point not to be contested, that, by following one or the other of the courses which I have just cited, the English troops in the Mediterranean would have been of an infinitely greater utility to the common cause, by compelling the enemy to divide his forces, which would have enabled Russia to have sent to her main army those reinforcements, which she was under the necessity of employing on the Danube, to support her army destined to make head against the Turkish forces which might be collected in that quarter.

From this statement, I am willing to believe that your excellency will be persuaded, that, in such a conjuncture, it only remained for the emperor, my master, to look to the glory and to the security of his empire; and that if the present crisis does not produce every re-

sult which might be expected, if the powers equally interested had displayed vigour in the same proportion as they have exhibited tardiness and irresolution in all their operations, no blame can on this account be attached to Russia.

But, at this time, the emperor, my master, offers his mediation to his Britannic majesty to make his peace with France, having the certainty that it will be accepted by the latter power.

I have the honour to be, with high consideration, sir, your excellency's most obedient humble servant,

A. DE BUDBERG.

Tilsit, 18th (30th) June, 1807.

No. 4.

Note from M. Alopeus to Mr. Secretary Canning, dated London, 20th July (1st August), 1807.

The undersigned, minister plenipotentiary from his majesty the emperor of all the Russias to his Britannic majesty, has received the orders of his court to notify to the British ministry, that a treaty of peace was concluded at Tilsit, on the 25th June (7th July), between Russia and France.

His imperial majesty of all the Russias having, on this occasion, proposed his mediation, for the purpose of negotiating and concluding likewise a treaty of peace between England and France, and the emperor Napoleon having, by the 13th article of the aforementioned treaty of peace, accepted that mediation, the object of the present note is to offer it in like manner to his majesty the king of Great Britain.

Long since acquainted with the pacific sentiments of his Britannic

majesty, the emperor of all the Russias flatters himself the more that he will embrace this opportunity of restoring peace to all nations, and of insuring repose to the present generation; since that, in many conversations which his imperial majesty has held with the emperor of the French, he has had reason to be convinced, that he is sincerely desirous of the re-establishment of a maritime peace, upon equitable and honourable principles.

The emperor of all the Russias not only offers his interposition for the attainment of so desirable a result, but he would even be ready to promise the support of all the forces of his empire, for ensuring the performance of all the stipulations of peace, when once it shall have taken place between England and France. By this guarantee, his Britannic majesty will obtain that which he has ever appeared to desire, and may without distrust follow the bent of his humane and pacific sentiments.

The undersigned, in requesting Mr. Canning, principal secretary of state for foreign affairs, to apprise him as soon as possible of the determination which the cabinet of St. James's may judge expedient to take in consequence of this offer of mediation on the part of his august master, avails himself of the opportunity of renewing to his excellency the assurances of his highest consideration.

M. ALOPEUS.

London, 20th July (1st August), 1807.

No. 5.

Note from Mr. Secretary Canning to M. Alopeus, dated 5th August, 1807.

The undersigned, his Britannic majesty's secretary of state for foreign affairs, has lost no time in laying before the king his master the official note presented to him by M. Alopeus, minister plenipotentiary of his majesty the emperor of all the Russias; in which M. Alopeus, by order of his court, notifies to the British government the conclusion, at Tilsit, on the 25th June (7th July), of a treaty of peace between Russia and France, and announces, at the same time, the offer of the mediation of his imperial majesty, for the conclusion of a treaty of peace between Great Britain and France, and the acceptance of that offer by the French government.

The undersigned has it in command from the king his master to declare, that the emperor of Russia does justice to the sentiments of the king, when his imperial majesty expresses his reliance on the king's disposition to contribute to the restoration of a general peace, such as may ensure the repose of Europe. Ample proofs of that disposition have recently been afforded by his majesty, as well in the answer returned in his majesty's name to the offer of the mediation of the emperor of Austria, as in the willingness expressed by his majesty to accede to the convention concluded at Bartenstein, on the 23d of April, between the emperor of Russia and the king of Prussia, and in the instructions which the undersigned transmitted, by his majesty's command, upon the first intelligence of the late disastrous events in Poland, to his majesty's ambassador at the court of St. Petersburg, by which instructions that ambassador was directed to signify to the ministers of the emperor of Rus-

sia, his majesty's perfect readiness to enter into a concert with his august ally, into any negotiation which the emperor of Russia might think it expedient to open for the restoration of a general peace.

These sentiments and this disposition his majesty continues invariably to maintain.

The undersigned is, therefore, commanded by his majesty to assure M. Alopeus, that his majesty waits with the utmost solicitude for the communication of the articles of the treaty concluded at Tilsit, and for the statement of those equitable and honourable principles, upon which his imperial majesty expresses his belief that France is desirous of concluding a peace with Great Britain.

His majesty trusts that the character of the stipulations of the treaty of Tilsit, and of the principles upon which France is represented as being ready to negotiate, may be found to be such as to afford his majesty a just hope of the attainment of a secure and honourable peace.

In that case his majesty will readily avail himself of the offer of the emperor of Russia's mediation.

But until his majesty shall have received these important and necessary communications, it is obviously impossible that the undersigned should be authorized to return a more specific answer to the note presented by M. Alopeus.

The undersigned requests M. Alopeus to accept the assurances of his high consideration.

GEORGE CANNING.

Papers relative to Austria.

No. 1. Letter from count Starhemberg, ambassador of the em-

peror of Austria, offering the mediation of his master for the conclusion of a peace between Great Britain and France.

No. 2. The following paragraphs alone are of general importance :

In considering how very complicated and extensive the present war has become, the emperor would think that he had but imperfectly expressed his fervent desire for peace, and the hope of its complete and speedy re-establishment, if he did not at the same time state the entire conviction he feels, that it is only by the united endeavours of the powers principally concerned in the war, and by a negotiation in common, which should embrace the whole of their reciprocal interests, that permanent tranquillity and a secure and solid peace can be attained ; a peace which should secure the future political relations of Europe.

His imperial majesty, from that firm persuasion (which the frankness of his sentiments will not permit him to dissemble), conceives that this pacific overture should be made by him in common to those cabinets which are, in the first instance, to take a part in the conferences ; and it is therefore with earnestness that he equally invites the cabinets of Petersburg, of Berlin, and of the Thuilleries, to adopt the same conciliatory views, and to enter into negotiations for a peace, in which the essential relations of all the parties interested should, as far as is practicable, be combined.

The emperor has thus greatly testified his wish for peace. He will not take upon himself to suggest the particular mode of negotiation, and still less to anticipate the intentions of other powers, or to decide upon those measures

which it may be thought necessary previously to settle, in order to determine the principles of the preliminary overtures between the belligerent powers.

Nevertheless, in the hope that this friendly offer of his interposition will be appreciated in such a manner as the rectitude of his intentions authorizes him to expect, his imperial majesty is eager to propose (in order that the opening of negotiations may be facilitated by his good offices) any place in his dominions, the situation and locality of which might be reciprocally convenient, and which, from this consideration, ought not to be too near the theatre of war; and in this respect, as in every other point, the emperor will feel pleasure in contributing to accelerate the period of so desirable a meeting.

LOUIS,

Compte de Starhemberg.
London, 18th April, 1807.

Then follows the answer of Mr. Canning, accepting the offered mediation with promptitude on the part of his sovereign, on condition of a like acceptance of it on the part of all the powers engaged in the present war.

No. 3 and No. 4 are mere official notes, without any specific proposals.

No. 5.

Note from the Prince de Starhemberg to Mr. Secretary Canning.

London, Jan. 1, 1808.

The undersigned, obeying the orders of his court, in conforming to the desire of that of the Thuileries, has the honour to inform

his excellency the secretary of state for the foreign department, that, in consequence of the pacific dispositions of his Britannic majesty, announced in the answer returned, on the 23d of November last, to his official note of the 20th of the same month, he is charged to propose to the English ministry to send immediately plenipotentiaries to Paris, for the purpose of treating for the establishment of peace between all the powers at present at war with England.—

This explicit and frank invitation must furnish a proof of the good faith and of the sincere intention of France to put an end to the calamities of war; and his imperial majesty consents with eagerness to be the intermediary of a result so desirable. It is hoped that the court of London will not hesitate to recognize, on this occasion, the importance of the proposal which is made to it, and that it will be disposed to give a fresh proof of that desire which it has so often expressed, to restore repose to the rest of Europe, by naming negotiators to be entrusted with the important interests to be discussed.

To avoid every species of delay, the undersigned is authorized by France to give passports to the ministers whom the cabinet of St. James's may appoint for this purpose.

The mode in which these overtures are submitted to the court of London, and the measures which are taken towards realizing the execution of them with the the least possible delay, will effectually demonstrate the spirit of conciliation by which they are dictated.

The undersigned avails himself of this opportunity to renew to his

excellency the secretary of state the expression of his high consideration.

LOUIS,
Prince de Starhemberg.

No. 6.

Note from Mr. Secretary Canning to the Prince de Starhemberg, dated January 8, 1808.

The undersigned, his majesty's principal secretary of state for foreign affairs, has laid before the king his master the note delivered to him on the 2d of this month by the prince de Starhemberg, envoy extraordinary and minister plenipotentiary of his majesty the emperor of Austria.

In stating himself to be charged to propose to the British government the immediate sending of plenipotentiaries, to Paris, the prince de Starhemberg has omitted to explain from whom he has received that commission, whether from his imperial master, or from the government of France.

If the prince de Starhemberg has in this instance acted under the specific and immediate orders of his court, and if the proposal to his majesty to send plenipotentiaries to Paris is to be considered as originating at Vienna, the undersigned is commanded to express his majesty's concern that so little reference should appear to have been had, in framing the proposal now offered for his majesty's consideration, to the correspondence which has already taken place between the courts of London and Vienna, upon the subject of a negotiation for peace.

After so long an interval has been suffered to elapse since the acceptance by his majesty, in

April last, of the offer of his imperial majesty's mediation, his majesty could hardly have expected that the same offer should now be repeated (if indeed the prince de Starhemberg's note is to be construed as a repetition of it), without any notification of the acceptance of those conditions which were at that time stated by his majesty to be indispensable preliminaries to the opening of a negotiation. And while the note of the undersigned of the 23th of November last is cited by the prince de Starhemberg as the foundation of the present proposal, his majesty observes, with surprise, that this proposal nevertheless extends only to the powers combined with France in the war against Great Britain, and not to the allies of Great Britain in the war with France.

If, on the other hand, the court of Vienna is no otherwise concerned in the step which the prince de Starhemberg has taken, than as having generally authorized that minister to receive and to convey to the British government whatever communications the government of France might think fit to entrust to him, the undersigned is commanded, in that case, to remark to the prince de Starhemberg, that although the character which the prince de Starhemberg holds from the court of Vienna, and the formalities by which he is accredited to his majesty, entitle him to immediate and implicit confidence in every exercise of his diplomatic functions, in the name and on the behalf of his imperial master; yet that when he professes to speak in the name of another power, the statement of some precise authority, and the production of some

specific and authenticated document, could alone justify the court to which he addresses himself, in founding a public and important measure upon such a communication.

From the tenor of the prince de Stahremberg's note it appears, that the note of the undersigned of the 23d of November has been communicated to the government of France.

The government of France is therefore in possession of a solemn and authentic pledge of the pacific dispositions of his majesty. It follows that a pledge equally solemn and authentic, of the reciprocal dispositions of France, is reasonably to be expected by his majesty, before his majesty can be called upon to make any further advance.

OFFICIAL PAPERS, PRESENTED
TO BOTH HOUSES OF PARLIAMENT,
FEBRUARY 1, 1808.

Of these papers the following alone are of general interest :

No. 4.

Extract of a dispatch from Mr. Secretary Canning to the Right Honourable Lord Granville Leveson Gower.

Foreign office, Sept. 27th, 1807.

Sir Robert Wilson arrived here on Saturday the 19th, with your excellency's dispatches of the 2d instant, which I have laid before the king.

Whatever may have been the motives or the causes of the change which your excellency re-

presents to have taken place in the tone of the Russian councils, or whatever may be the probability of the continuance of the system now apparently adopted, his majesty hails with the most sincere satisfaction the return of these sentiments of friendship and confidence, on the part of his august ally, from which his majesty, on his part, has never deviated, and the cultivation of which is more than ever necessary for their common interests.

Your excellency will lose no opportunity of expressing these sentiments to his imperial majesty and his minister.

The forbearance and moderation which your excellency has been all along instructed to employ, in all your remonstrances with respect to transactions in which the personal character of his imperial majesty was so immediately concerned, and the reliance which you have not failed to express on the returning sense of what was due to his majesty's long experienced friendship and fidelity; accord perfectly with the language which you are now instructed to use, and make the whole of his majesty's conduct towards his imperial majesty uniform and consistent. And your excellency cannot too constantly impress upon the Russian minister the topic which you have so judiciously employed in your late conferences, that, in the present state of the world, retrospect and recrimination are worse than useless; and that the establishment of future good understanding, and the concert of measures to be taken with a view to future exertion, are alone the proper subjects of discussion between the two governments.

The points upon which the question of our acceptance of the mediation turns, are :

1st, The frank communication of the articles of the treaty of Tilsit, secret as well as avowed.

2dly, A distinct explanation of the basis upon which France proposes to treat, and which appeared to his imperial majesty at Tilsit so just and honourable.

There are the conditions directly stipulated in my note to M. Alopeus, and without which, acceptance of any mediation by his majesty could be nothing else than a complete surrender of his honour and his interest into the hands of the mediator, if not of the enemy.

But to these are reasonably to be added, if not as conditions without which it would be impossible to consent to treat under the auspices of Russia, at least as those which his majesty has a right to require from a friendly power, before he commits himself to its guidance in a question affecting the immediate safety and the future welfare of his dominions :

1st, A disclosure of the general views of policy of the emperor of Russia, and of any engagements into which he may have entered with respect to the different powers in whose fortunes his majesty takes an interest ; and

2dly, Some plain and decisive proof of the good understanding subsisting between his majesty and his august ally ; such as shall satisfy, not his majesty only, but Europe and the world, of the impartiality with which his imperial majesty has undertaken, and proposes to administer, the duties of his office as mediator.

With respect to the first of the two points which I have stated as absolutely indispensable, general Budberg appears as yet to have gone no farther than to give a verbal assurance that there is not any article, among the secret articles of the treaty of Tilsit, stipulating for the shutting of the Russian ports against Great Britain.

But it will immediately have occurred to your excellency, that a distinction might probably be taken in M. de Budberg's mind between a stipulation for the immediate and unconditional execution of a purpose, and the agreement to resort to it eventually, under circumstances which might not yet have occurred ; and that, supposing the former only to be the sense of M. de Budberg's assurance, that assurance might be literally true, without in fact conveying any thing essentially satisfactory.

The inference to be drawn from this circumstance is, that the Russian minister should be called upon by your excellency, in an official note, not for a simple disavowal only of a single article, but for the communication of the secret articles themselves ; or at least of any agreement, actual or eventual, in which the interests of this country or its allies are in any degree concerned.

In the same formal manner, a communication should be required of the basis of peace proposed by France ; upon which the Russian minister does not appear to have offered any explanation.

The other two points are not so strictly connected with the question of mediation. But it is nevertheless perfectly reasonable that his majesty should require

some ostensible proof of the good will of his august ally, to counteract the general impression which must have been created by late events, of a difference and disunion between them, before his majesty can with a good grace accept those offices at the emperor of Russia's hands, of which impartiality should be the essential character. No proof could be selected, at once so easy for his imperial majesty to give, so grateful to his majesty to receive, so natural in the eyes of the world, and so little liable to exception on the part of France, as the renewal of the treaty of commerce.

With respect to the remaining point, which your excellency is instructed to urge, a communication on the part of the Russian government of its general views and policy for the future, you will observe, that his imperial majesty himself annexed to his conditional acceptance of the mediation of the emperor of Austria, a similar demand of the communication of the general views of the court of Vienna respecting the future state of Europe.

In the treaty of Barenstein, concluded between his imperial majesty and the king of Prussia, and offered by them to the acceptance of other powers, as the basis of a co-operation for the purpose of producing a general pacific arrangement, a distinct and detailed exposition was entered into, with respect not only to the powers intended to be comprehended as parties to the treaty, but to all the other powers of Europe in whose fate any one of the principal powers could be supposed to be interested.

These examples of what his imperial majesty has done, and

what he has required, would sufficiently authorize his majesty's solicitude to obtain a similar explanation on the present occasion.

But there are other grounds for it in the very state and circumstances of Europe, as arising out of the treaty of Tilsit, and the stipulations annexed to it, some of which stipulations are already carrying into execution in a way to excite his majesty's apprehensions, if not for his own interests, for those of his allies.

Is it possible that his majesty should not think it essential to be informed whether the public articles of the treaty of Tilsit, which recognizes the French king of Naples *only* as king of Naples, is, in effect, contradicted by a secret article, which adds to this title that of the two Sicilies?

The movements in the Mediterranean, and the surrender of Corfu, naturally give rise to a variety of apprehensions, which it would be for the interest of both countries to quiet, or at least to reduce within the bounds of truth.

Has not his majesty the right to require some explanation of the intentions of Russia with respect to Turkey: a power with whom his majesty finds himself at war, and left alone in the war, for no other than Russian interests, and from a quarrel espoused by his majesty for the sake of his ally?

These topics your excellency will urge in your conferences with M. de Budberg, with all the earnestness which their importance requires, but at the same time carefully avoiding a strain of reproach; and, even when you are obliged to confess the suspicion of engagements having been entered into, such as his majesty

cannot but disapprove, conducting your inquiry in such a manner as shall lead M. de Budberg to believe that his majesty is anxious rather to find the means of preventing or remedying the evil, than to discover the grounds of complaint against Russia.

Upon the whole, your excellency will collect from these instructions, that his majesty is as much desirous as ever to cultivate the friendship and alliance of the emperor of Russia; that he conceives the only chance of safety, for what remains of Europe, to depend upon the renewal of a good understanding between them; that his majesty has never, even under appearances the most unfavourable, altogether despaired of such a recurrence, on the part of the emperor, to the counsels which are best calculated for his own glory, and for the security of his own dominions, as it is now hoped has taken place; and that his majesty, upon such a change, is eager to forget all that has passed of a nature contradictory to those counsels, or inconsistent with them.

No. 8.

Dispatch from the Right Honourable Lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburg, September 19th (October 1st), 1807.—Received October 28th.

St. Petersburg, 1st Oct., 1807.

SIR,

I had the honour, by the last messenger, to inform you of my having communicated to count Romanzow a copy of the capitulation of Copenhagen, accompanied by a short note, in which I ex-

pressed my hope that this capitulation might be followed by the re-establishment of peace between Great Britain and Denmark.

Six days after, I received the enclosed note from the Russian minister. The pretensions set forth in this paper, and the tone in which they are urged, appeared to me to be of a nature to call for an immediate answer. In my reply (of which I enclose a copy) I endeavoured to satisfy the Russian minister that his majesty's government had, in the communications which I had been authorized to make, shown every reasonable mark of respect and consideration for his imperial majesty, notwithstanding his change of system and principles; but I thought it no less necessary to let the Russian minister clearly understand, that his majesty was not to be frightened out of the pursuit of such measures as he might judge expedient for the security of his empire, by an indirect menace or intimation of the displeasure of the emperor of Russia.

At the same time that I sent this answer, I requested a conference with count Romanzow, with a view of extracting from him some explanation of the expression, "que l'empereur se doit à lui-même, comme aux intérêts de son empire, de ne pas s'y montrer insensible." Two days and a half passed without any notice being taken of this request of a conference. I renewed my demand, when on the following day count Romanzow wrote, that he intended passing two days at Gatschina, the palace of the empress mother, but that on his return on Wednesday he would receive me.

I accordingly called upon him

this day. Upon my entrance he made many apologies for not having appointed an earlier day for our conference. I told him that my impatience proceeded from my wish to void all possible misunderstanding between our two courts; that I was sorry to observe, that, in the note which he addressed to me, he made use of certain expressions which would with great reason create considerable uneasiness in England; that he must be sufficiently well acquainted with the British government to know, that, whatever might be the wishes and views of this court, no more effectual method could have been adopted to prevent their receiving that attention which had uniformly been given to the representations of this country, than the use of language which implied menace. I acknowledged that the very current reports of an embargo being about to be laid upon English ships in Russian ports, which reports, I was sorry to observe, had originated with a person employed in the office for foreign affairs, had perhaps the effect of making me attribute a more hostile sense to some parts of the note than what was really intended by his excellency; but that the knowledge of these reports would certainly reach England, and that it was now, therefore, in the highest degree essential that I should receive from him assurances that the emperor entertained no hostile intentions towards Great Britain.

Count Romanzow answered, that I must be aware how little worthy of credit were the frequent reports that had been raised at St. Petersburg, of an embargo being to be laid upon Eng-

lish ships; and that he could assure me that the Russian government had not even thought of such a measure. But upon my construing his words into an assurance that no embargo would take place, and expressing the satisfaction I should feel in transmitting such an assurance to my court, he replied, that he was not authorized to say any thing to me of the future intentions of his sovereign; that neither he nor the Danish minister had received any accounts from Kiel since the capture of Copenhagen; that the emperor, therefore, being as yet unacquainted with the sentiments or views of the prince royal of Denmark since the event, naturally waited for the communication of them before his imperial majesty could make up his own opinion upon the question.

Count Romanzow then asked me, whether it was the intention of his majesty's government to restore the ships to the king of Denmark, in the case of peace being concluded with France? I observed, that hostilities having commenced, the possession of the Danish fleet had been obtained by force, and not by negotiation; and that he would see by the terms of the capitulation that no such condition had been agreed to by the commanders of his majesty's forces; but that I had received no dispatches whatever from you since the news of the capture of Copenhagen had reached London.

I have the honour to be, with the greatest respect, sir, your most obedient humble servant,

GRANVILLE LEVESON GOWER.
To the right honourable George Canning, &c.

No. 9.

Extract of a dispatch from Lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburg, October 29th, 1807.

Sir Robert Wilson arrived here on Saturday the 17th, and delivered to me your dispatches.

The emperor having returned from the inspection of his army in Poland only on Thursday last, and count Romanzow having, for some days previous to that time, been waiting at Gatschina the arrival of his imperial majesty, it was not till Saturday night that I succeeded in obtaining a conference with the Russian minister.

My reports of the change of ministry here, and of the unfriendly tone which has marked the communication I have received from this government since that change, will have dissipated the hopes which the account of my last conversation with general Budberg, and other representations, had led his majesty's government to entertain of the future conduct of this court.

I began my conference with count Romanzow by saying, that I had received instructions, which were written under an impression that there existed in this cabinet a disposition to renew its former footing of confidence with the English government; I explained to him fairly what had caused this impression; and added, that though his majesty could regard the energy and resources of his own people as the only sure foundation of the safety and prosperity of his kingdom, yet that he was always inclined to avail himself of any opening which this court

might afford, for re-establishing that union and confidence which appeared advantageous to the mutual interests of both countries, and almost essential for the recovery of the independence of Europe; that the communications I had received from his excellency, and the conduct of this government since the porte-feuille of foreign affairs had been committed to his hands, had so changed the state of things, that I almost doubted whether I should be justified in executing the instructions I had received; but that trusting that he would do justice to the persevering moderation of his majesty, I would state to him with frankness what was the nature of these instructions. His majesty's declaration, I observed, sufficiently explained to Europe, that the court of London had no views of aggrandizing or enriching itself at the expence of Denmark. For the security of the British dominions, his majesty had been forced to remove out of the reach of France the naval means of Denmark; but this object being accomplished, the English government were ready to forego any advantage that might be derived to Great Britain from the continuance of this war; and his majesty was ready to concert with Russia the means of re-establishing the tranquillity of the north of Europe. That object could be obtained only by the restoration of the neutrality of Denmark, and that neutrality could be rendered real and permanent only through the means of Russia. The court of Petersburg, I said, was even more interested than the court of London in the success of this negotiation.

Count Romanzow answered, "how can Russia recommend to

Denmark to submit to the affront she has received, and to endure with patience all her losses?" I replied, "if, by the continuance of the war, Denmark could hope to recover her fleet, she might with reason be indisposed to listen to such advice; but when it was evident to every person who reflected for a moment on the actual state of things, that the court of Copenhagen, by the continuance of the war, could gain nothing but the entrance of a French army into the body of its territory, I could not but think that a friendly representation from a neutral power, of the danger which threatened the very existence of Denmark, might recal the prince royal to a more dispassionate consideration of the real interests of his country."

Count Romanzow repeated to me, that he did not see how the court of Petersburg could interfere; but added, that he could give me no positive answer to what I had represented to him, till he had made his report of my communication to his imperial majesty.

No. 12.

Extract of a dispatch from the Right Honourable Lord Granville Leveson Gower to Mr. Secretary Canning, dated St. Petersburg, 8th November, 1807. —Received December 2d.

I had the honour of apprizing you, by the last messenger, of the difficulty I had experienced in obtaining a conference with count Romanzow. I yesterday wrote a letter to him, of which the enclosed is a copy, and I this morning received the enclosed note.

The contents of this paper are so extremely important, that I will not detain sir Robert Wilson, by making any observations upon the unfounded assertions and misrepresentations with which it abounds.

This violent measure has been produced by a peremptory demand (brought by the last messenger from Paris) of the immediate execution of all the secret articles of Tilsit: and the French mission have boasted, that, after some difficulties, they had gained a complete triumph, and have carried not only this act of hostility against England, but also every other point essential to the success of Bonaparte's views.

I intend asking for passports to morrow, and shall set out in the course of a few days.

P. S. I enclose a copy of the printed declaration, which has been sent by the Russian government to all the foreign ministers residing at this court.

First Enclosure referred to in No. 12.

The ambassador of his Britannic majesty has repeatedly signified, for more than a week, his desire to converse with his excellency the count Romanzow: his solicitations have been hitherto fruitless; but the ambassador deems it his duty to renew once more his application, previous to his announcing to his court the apparent determination of his excellency to avoid the customary communication.

26th Oct. (7th Nov.), 1807.

Second Enclosure referred to in No. 12.

The emperor, who, in the course

of the war which he has just terminated, had to complain of the conduct of England towards him, suppressed his just resentment, in the consoling hope that the peace he had so lately concluded would lead to a general peace.

He had constituted himself mediator ; he had subsequently offered his mediation in acquainting his Britannic majesty that his desire was to obtain for him an honourable peace. England rejected his offices.

It seemed as if her views were not to suffer the flames of war to be extinguished, but to kindle them anew in the north, by an event sudden and novel.

The fleets and armies of his Britannic majesty came to perpetrate against Denmark an act, of which history furnishes no example. The emperor, who, to the knowledge of England, was a guarantee of the tranquillity of the Baltic, which is a close sea ; the emperor, who had been forewarned of nothing, did not conceal his resentment ; and in a second note delivered to lord Gower, informed England, that he did not intend to remain a quiet spectator of what had befallen a king, his relation and his friend.

The emperor confesses, he did not foresee, that, after this declaration, England would make him the proposal of undertaking to convince Denmark, that it was her interest to submit to what had recently befallen her, and to render Russia guarantee that Great Britain should possess in perfect security that which she had so lately wrested from Denmark.

The prince royal of Denmark had not ratified the convention of Copenhagen. As to the second proposals which were made to

him, he has again represented to his imperial majesty how greatly he was irritated by this new procedure of the British ministry towards him.

The emperor, penetrated with the confidence which the prince royal reposed in his friendship, having enclosed his own wrongs against England, having maturely examined his engagements with the powers of the north, engagements entered into by the empress Catharine and his majesty the late emperor, both of glorious memory, has resolved to fulfil them.

His majesty has therefore ordered the undersigned to declare to his excellency lord G. L. Gower, his Britannic majesty's ambassador, that his imperial majesty breaks off all communication with England. His imperial majesty recalls the whole of his mission in that country, and will not allow that of his Britannic majesty to remain at his court. There shall henceforward be no relations between the two countries.

The emperor declares that he annuls for ever every act heretofore concluded between Great Britain and Russia, and especially the convention of 5th (17th) June, 1801. He proclaims anew the principles of the armed neutrality, that monument of the wisdom of the empress Catharine, and pre-engages never to depart from that system.

He demands from England complete satisfaction for his subjects on all his just claims for ships and merchandize seized or detained against the express tenor of the treaties concluded during his own reign.

The emperor declares that no arrangements shall take place between Russia and England, until

the latter shall have given satisfaction to Denmark.

The emperor expects, that his Britannic majesty, instead of permitting his ministers, as has lately been the case, to scatter anew the seeds of war, listening only to the dictates of his own feelings, would lend his assistance to the conclusion of a peace with his majesty the emperor of the French, which would extend the incalculable blessings of peace over the whole world.

When the emperor shall be satisfied upon all the preceding points, and especially as to the peace between France and England, without which no part of Europe can promise itself real tranquillity, his imperial majesty will then readily renew with Great Britain the relations of friendship, which, considering the dissatisfaction which the emperor so justly feels, he has perhaps already preserved too long.

The undersigned, having thus fulfilled the orders of the emperor his master, requests his excellency the ambassador to lay the contents of this note, without delay, before the king his sovereign.

THE COUNT NICHOLAS ROMANZOW.

*St. Petersburg (27th October),
9th November, 1807.*

CONFERENCE BETWEEN THE
EMPEROR ALEXANDER AND
LORD HUTCHINSON.

In a debate, in the British house of lords, on February 9th, 1808, on the expedition to Denmark, the following narrative was delivered by lord Hutchinson.

VOL. III.

On the 23d of August, I had a conversation with the emperor of Russia, at Kamincostroff. His imperial majesty asked me whether I had not admitted to count Strogonoff, three days after the battle of Friedland, that it was necessary for him to make peace? I told him that I had done so; that I was of that opinion then, which subsequent events had confirmed; that I thought myself bound in justice to him and to myself publicly to avow it, which I should continue to do as long as I lived. His imperial majesty said, we are then both agreed on the necessity there was to make peace. I answered in the affirmative.

His imperial majesty proceeded to state, that he had offered his mediation to England; that he attached no false vanity (*gloriole* was the French word) to the acceptance or rejection of his mediation; that it was his most sincere and anxious wish that England should make peace, as he was sure it was his interest, and also that of Europe, and ours, that we should restore tranquillity to the world.

I said to his imperial majesty that he had not given sufficient time for England to accept or reject his mediation, because a much longer period than a month must elapse before any answer could be received; and though the disposition of my mind inclined towards peace, I nor no other man in England would accept it, but on conditions the most reasonable and honourable; that, as far as we were concerned, the events of the war had been highly favourable.

To which his imperial majesty replied, that the time allowed was of no importance, because we

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might take three or four months, if we pleased, to accept or reject his mediation; but his anxious wish and desire was, that we should make peace. That he had a perfect knowledge of the feelings and character of the people of England; that he had been made acquainted by Bonaparte with the conditions of peace proposed to be offered, and that he had no doubt that even I myself would consider them to be highly reasonable and honourable.

Some confidential conversation followed, which I do not think myself at liberty to disclose; but from what then passed, as I have already stated, I was justified in believing, that the relations of peace and amity might have been preserved between the two countries. It has been stated in another place, that I had given an opinion, that if the attack on Copenhagen had not taken place, Russia would not have gone to war with this country. My lords, I never gave any such opinion, nor do I mean now to say, that if that attack had not been made, there would have been no war with Russia; but I mean to say, that the result of that expedition did materially change the relations between Great Britain and Russia, and gave rise to sentiments of a very hostile nature at the court of Petersburgh. Intelligence of the result of the attack on Copenhagen arrived at St. Petersburgh on the 27th or 28th of August. On the 4th of September I saw the emperor a second time at Kamincoströff.

His imperial majesty began the conversation by asking me, what I thought of our attack upon Copenhagen?

I replied, that I was certainly ignorant of the circumstances

which had occasioned that attack, but that I hoped the administration in England could justify themselves, and prove to the world that the Danes were on the eve of joining all their forces to the French, to make common cause against England.

His imperial majesty told me in reply, that it was impossible for me to be of that opinion, if I would recollect the repeated conversations which had taken place between us, on the subject of Denmark, at Bartenstein, in which he told me that he had used every effort in his power to bring forward the crown prince of Denmark, and to induce him to join in the coalition against France. The answers of the prince had always been explicit and uniform: that he had maintained for many years a system of neutrality, in which he was determined to persevere, as the people whom he governed had flourished and prospered under it; and that no consideration should ever induce him to depart from it. His imperial majesty added, that I must be acquainted with the decision of character which belonged to the crown prince; that nothing was so difficult as to shake his determinations, or to induce him to change any line of conduct which he had once adopted; and that he was sure no connection existed between the French and Danish governments previous to our attack on Copenhagen.

I then said, that I believed lord G. L. Gower had delivered to his imperial majesty's minister a note on the subject; to which his imperial majesty answered that he had, but that the contents of it were nugatory, as it contained no sufficient explanation, or offer of satisfaction. His imperial majesty

then proceeded to state the great concern which our unjustifiable aggression had given him; that the French government had never done any thing so strong; that it justified every thing they had done or might do hereafter. If such proceedings were admissible, there was an end of all relations which had usually influenced the conduct of nations towards each other; that every body was at liberty to do just what they pleased, and that he might attack Sweden to-morrow. His imperial majesty then told me, in the most peremptory language, tone, and manner, that he would have satisfaction, complete satisfaction, for this unprovoked aggression; that it was his duty as emperor of Russia to demand it: and he asked me whether even I myself could venture to differ with him on that subject? He then said he was bound to Denmark by the most solemn treaties and engagements, which treaties and engagements he was determined to adhere to and fulfil. His imperial majesty then added, that he supposed we meant to make an attack on Cronstadt; he did not know what the event of that attack might be, but this he knew, that he was determined to resist to the last man, and to prove himself not entirely unworthy of filling that high station to which it had pleased Providence to call him. I told his imperial majesty that I had strong reason to hope and believe, that no attack would be made on Cronstadt. His imperial majesty said he was prepared for such an event, and had taken his determination upon it, which was that which he had before stated to me. He then closed the conversation, by repeating with much emphasis, that

"he would have satisfaction for Denmark."

PAPERS CONCERNING DENMARK,
PRESENTED TO BOTH HOUSES
OF THE BRITISH PARLIAM-
ENT.

Note from M. Rist to Lord Viscount Howick, March 9, 1807.

The undersigned, *charge d'affaires* of his majesty the king of Denmark, in transmitting, in due time, to his court the note by which his excellency viscount Howick acquainted him, on the 10th of January, with the order in council issued by his Britannic majesty, prohibiting all commerce between the different ports of the enemy and those subject to the influence of the French government, foresaw at that time the deep and painful impression which that order could not fail to produce upon the court of Denmark.

He has this moment received its orders to express to the ministers of his Britannic majesty the surprize and grief which the court of the undersigned has felt in taking notice of a resolution, which, founded upon a principle in itself inadmissible, attacks one of the chief sources of the commercial prosperity of Denmark, and seems to give a blow, as direct as it is unprovoked, to her most sacred rights, and to the treaties which connect her with Great Britain. He has received the orders of his court to detail to his Britannic majesty's government the fatal consequences of this measure, and finally require its suppression.

The undersigned, in acquitting himself of these orders to his ex-

cellency viscount Howick, takes the liberty of demanding from him all the serious attention which the importance of the object requires, for this exposition; which will be dictated by that frankness and moderation (worthy of an independent government, and one friendly to Great Britain), by which the court of Denmark has been constantly actuated in her proceedings and discussions with that of London.

Of all courts whose duty and interest it is to defend the rights of neutrality, that of the undersigned is called upon to do so on this occasion more particularly, as well by its situation, as by the nature of the order in council in question. It is against her interests principally that it is directed; her subjects chiefly will suffer by its consequences. Almost exclusively in possession of the advantageous coasting trade between the different ports which will henceforward become inaccessible to them, they are menaced with the deprivation of a branch of their navigation, which has occupied until the present time hundreds of vessels, thousands of sailors and industrious workmen, and considerable capitals. Henceforth the Mediterranean will, for the most part, be shut against their enterprizes: a voyage from Holland to France, from Italy to Spain, from the hanse towns to the ports of the Mediterranean, will render their vessels and their cargoes subject to confiscation. Excluded from the greatest part of the ports of the continent of Europe, it is wished that they should renounce, not only the considerable advantages which the neutrality of their flag ensures them in carrying on the coasting

trade, but also the continuance of an essential part of their direct and legitimate commerce with the ports above mentioned. After having sold the produce of their country, planks, fish, or corn, in one of the northern ports of Holland, France, or Spain, they will be obliged to return in ballast, because they will not be allowed to seek, in the southern ports of those countries, and of Italy, such merchandize as the countries of the north have occasion for, and which can alone produce returns sufficiently advantageous to reimburse the expences of their voyages. In order to procure salt, wines, brandy, and oil, it will be necessary for them to sail from Danish ports for the most part in ballast, in order to fetch them from the ports of the Mediterranean; if they do not prefer, which, according to all appearance will be the case, to renounce altogether a traffic, which would henceforward become a ruinous speculation.

And how can the subjects of his Danish majesty be deprived of their legitimate traffic, of one of the principal branches of their industry? by what right can they be stopped in the pursuit of a peaceable occupation, the exercise of which is guaranteed to them by the public law of nations, and by the sacred faith of treaties; which ensure to Denmark, on the part of Great Britain, the unlimited liberty of the seas, in all cases in which Denmark has not herself consented, by express stipulations, to renounce the exercise of a part of her rights?

They will be so deprived, according to a principle of retaliation, not against Denmark, for she has never swerved from the strict execution of her treaties, or from

her duties towards England, but against a third power, whose example Great Britain seems but too ready to follow, in order to render the stipulations of treaties, and the pacific relations between states, subordinate to a right of war, indefinite in its principles, unlimited in its extent, incalculable in its consequences, but completely foreign to and by no means binding on a neutral power, independent, and protected by solemn and recent treaties.

The undersigned has received express orders from his court to declare, in its name, that it regards the right of retaliation, upon which the order in council of his Britannic majesty is founded, as absolutely inadmissible, in its principle and in its consequences. To establish this right, it would be necessary to begin by destroying the first notions of general and public law. It must be intended to lay it down as a principle, that every power has a right arbitrarily to renounce engagements, and to derogate from solemn stipulations with another power, for no other reason than that its relations with a third power have changed their character. It must be intended to insist that the privileges, interests, and property of a neutral nation are at the disposition of every other power, although connected with it by treaties, as soon as the course of events, or the inclination of that power should engage in a war entirely foreign to the neutral nation.

The palpable inconsistency and falsehood of such reasoning cannot be equalled but by its fatal consequences with respect to society. It cannot escape the penetration of his Britannic majesty's ministers, that a principle which would

render the relations and mutual obligations between two countries dependent upon any acts whatsoever of a third power, or rather which would constitute a state of war the supreme regulator of all the relations of human society, would destroy the very basis of that society, in order openly to sanction the right of strength, and, in the end, to pave the way for that of universal anarchy.

This (the undersigned regrets to avow it) is nevertheless the tendency of the principle upon which the resolutions adopted by the French government against the commerce of Great Britain are cited as motives to induce his Britannic majesty to set aside the treaties subsisting between England and Denmark, and especially that of the 17th of June, 1801, which guarantees to the latter power, in the case expressly foreseen, of any maritime war whatever, the entire liberty of its commerce, with the exception only of those restrictions mentioned in the third article. This is the spirit of a measure, which inflicts upon the commerce of Danish subjects the most severe wound of which the history of neutrality offers an example.

The undersigned does not apprehend that he has said too much in advancing this assertion: he has done so purposely, entirely foreseeing that the French decree of the 21st November, 1806, together with all its pernicious consequences to the commerce of neutrals, will be cited to invalidate it. The undersigned would have esteemed himself fortunate, if he could have avoided the necessity of making a comparison between the two measures, or of drawing a parallel between their effects, more or less pernicious to the

commerce of Denmark; but the weighty and important nature of the task which he has to fulfil imposes this duty upon him. He will, however, in order to make the ministers of his Britannic majesty acquainted with the measure of the impression which these two decrees, in opposition to each other, must have produced in Denmark, content himself with stating that, according to the official explanations which the undersigned has just received from his court, the French decree does not, as we were led to suppose from its expressions, bear upon all vessels carrying on commerce with England, but only upon those which, coming from an English port, are desirous of entering a port of France; that it enacts the confiscation of those vessels only which refuse to submit to the notification of the decree at their entry into one of the said ports, or which are desirous of concealing their having lately put into a port of Great Britain; that therefore the provisions of the French decree, a great part of which cannot from their nature be carried into effect, have not as yet caused any sensible interruption to the commerce of Denmark with Great Britain.

The undersigned must also observe, that the decree of the 21st of November, limited as it is in its application, turns evidently against France herself and her allies, or at least obliges them to participate in the greatest part of the evils and annoyance directed against the commerce of neutrals; that it therefore seems to carry with it the guarantee of its lenient execution, and probably of its short duration.

The undersigned feels it his duty to add, that his court nevertheless has made urgent representations to the French government against a measure, the principle of which it cannot but consider as a direct and manifest violation of its rights; that, far from being willing or able to acquiesce in it, his court thought that it employed the best weapons which its situation and the justice of its cause afforded, when it protested solemnly against the subversion of principle and the contempt of the law of nations, of which this decree gives so fatal an example.

But the greater the disgust of the court of the undersigned at the spirit of the decree of the 21st November, and particularly at the motive alleged for its justification, namely, that of retaliation, the more profound was its regret on seeing Great Britain, in her late measure, follow the footsteps of her enemy, and take advantage of his example to sanction a doctrine, the principle of which seems more to be feared in itself, than the more or less enlarged scale of the regulations which determine its effect and extent.

The court of Denmark cannot dissemble her apprehensions, that the French government will reckon among its triumphs the having engaged England in measures which, while they justified its own proceeding, necessarily weakened the ties of friendship which attached the neutral nations to Great Britain; and that it will find in the order in council of his Britannic majesty a new motive, or at least a pretext, not only for persisting in its fatal measures, and for enforcing their dormant rigour, but also for augmenting, if possible,

its original violence, and completing the ruin of nations, which until the present time had preserved the blessings and the prosperity of peace. The undersigned abstains, but too willingly, from completing the terrible picture which the perspective of such a contest appears to present.

Authorized to declare, in the most precise manner, that the court of Denmark can never acquiesce in any degree in the order in council of his Britannic majesty, which has been communicated to the undersigned on the 10th of January, nor consent that her vessels should be treated in conformity to it, and to protest formally against its principle and its consequences; the undersigned, however, feels pleasure in transmitting to his excellency viscount Howick, and in partaking the hopes of his court, that his Britannic majesty will not give effect to the resolution in question; but that, by suppressing it, he will continue and cement the relations of amity and good understanding which attach to his interests the court of Denmark, whose constant efforts have been directed to the observance of her engagements and to the preservation of her relations with Great Britain.

This hope receives additional vigour from a knowledge of the liberal way of thinking and acting of the enlightened minister to whom the undersigned has the honour to address these representations in favour of neutral rights, which have already more than once found in him their advocate.

The undersigned has the honour to offer to his excellency viscount Howick the assurances of his

high and respectful consideration.

J. RIST.

London, March 9, 1807.

Note from Lord Viscount Howick to M. Rist.

Foreign office, March 17, 1807.

The undersigned, his majesty's principal secretary of state for foreign affairs, has the honour to inform M. Rist, that he has lost no time in submitting to his majesty's government his note of the 9th instant; and that it has received all the attention which the magnitude of the subject, and the various and important considerations which it involves, certainly require.

It is much to be wished that the Danish government, before it had suffered itself to indulge in the representations contained in the above official paper, had considered with more calmness the nature and objects of the decree of the French government of the 21st of November last, and the order in council, which, in consequence of that decree, has been issued by his majesty.

The undersigned is under the necessity of thus calling, in the outset, the attention of the Danish minister to the original state of the question; because M. Rist, in his reference both to the decree of the 21st November, 1806, and to his majesty's order in council, seems to have misconceived the tenor and effect of both; uniformly excusing and palliating the one, and in no less a degree heightening and aggravating the supposed tendency and consequences of the other.

By the decree of the 21st November, which, upon the falsest allegations, is justified by the principle of retaliation, the enemy has presumed to declare the British isles in a state of blockade, prohibiting at the same time all commerce with them, and all trading in English merchandize; and, by the same instrument, the prize courts of France are directed to enforce these regulations. Neutrals are consequently interdicted from all commercial intercourse with Great Britain, and all trading in her commodities.

The French government, in adopting a measure at once so violent in itself, and of such injustice with respect to the consequences which must necessarily have been expected to result from it, committed a manifest act of hostile aggression (though immediately directed against Great Britain) against the rights of every state now engaged in the war, which, if not resisted on their part, must unavoidably deprive them of the privileges of a fair neutrality, and must suspend the operation of treaties formed for the protection of neutral rights, thus fundamentally violated in their first and most essential principles.

The injury which would be sustained by Great Britain, if she suffered her commerce with foreign nations to be thus interdicted, whilst that of the enemy with them should remain unmolested, is so manifest, that it can require no illustration. It never could have been presumed that his majesty would submit to such an injury, waiting in patient acquiescence till France might think proper to attend to the slow and feeble remonstrances of states not engaged in the war, or that he

should forbear to take immediate steps to check the violence of the enemy, and to retort upon him the evils of his own injustice.

Had his majesty at once determined to exact the full measure of retaliation to which he was justly entitled (and which nothing but the most generous regard for the commercial interest of neutral powers could have induced him to forego), let Denmark reflect upon the effect which such a determination would have had upon her commerce, taking into her consideration, at the same time, the means which Great Britain possesses of enforcing it; and then let her compare it with the measure of forbearance and lenity which has been adopted.

His majesty would unquestionably have been justified in resorting to the fullest measures of retaliation, in consequence of this unparalleled aggression; and other powers would have had no right to complain, if the king had immediately proceeded to declare all the countries occupied by the enemy to be in a state of blockade, and to prohibit all trade in the produce of those countries; for, as the French decree expresses it, the law of nature justifies the employing against the enemy the same arms which he makes use of. If third parties suffer from these measures, their demand and reparation must be made to that country which first violates the established usages of war, and the rights of neutral states.

The British government, however, was neither hasty nor rigorous in its measures. His majesty waited nearly two months before he had recourse even to the mitigated measure of retaliation, which a due regard for the dig-

nity of his crown and the interests of his subjects has at length exacted from him.

Whether in the mean time any such steps were taken by Denmark as were required by the insult which had been offered by the enemy to her sovereignty and independence, and the injury done to her neutral rights, this government is altogether ignorant. All that is known here is, that a formal communication of the decree of the 21st of November was made by the French minister at the court of Kiel. The answer of the Danish government has not transpired; but no intention of resistance has appeared in any public document, or in any steps taken by the Danish government: whilst on the other hand it has observed a conduct not apparently calculated to enforce the respect due to the rights of a neutral nation, nor in consistency with the character of a power determined equally to resist any measures affecting these rights, from whatever quarter they might proceed.

The troops which were stationed in Holstein, whilst those of the allies were near that frontier, have been immediately withdrawn on the approach of the French army; and the general intercourse between this country and Husum, never refused in any former war, has been the subject of continual complaint and remonstrance on the part of the Danish ministry.

Having made these preliminary observations, it will be necessary to enter into a candid and dispassionate investigation of the general nature and effect of the order in council of the 7th January, of

the causes which produced it, and of some of the principal objects which it had in view. In doing this, the undersigned is first led to consider the probable extent of its operation, as it affects the carrying and direct trade of Denmark, and of other neutral powers; and this will be the more necessary with regard to the latter and more important description of commerce, inasmuch as impediments are supposed to be thrown in the way of it by the Danish minister, which have no real existence, and which the cases assumed by him in his official note are very far from establishing. From the natural, obvious, and equitable construction of the instrument in question, it will be seen that these cases are altogether exempted from its operation, for wherever it can be shown that a Danish or other neutral vessel, after having delivered her outward cargo, or any part of it, at one of the ports in possession of France or her allies, or occupied by that power, shall *bona fide* propose to proceed to another, solely for the purpose of shipping a cargo, consisting of such articles as she may require for her homeward voyage, it is clear that such vessel would not be considered in our courts of prize as liable to the penal consequences of the order. In framing the order of council of the 7th January, his majesty's government has indeed studiously endeavoured to avoid distressing nations not engaged in the war. The neutral is still at liberty to carry his own products to a market in hostile countries, to procure from thence articles for his own consumption, and to engage in mer-

cantile speculations from hostile countries to other neutral countries, or to the British islands.

The object of the order of council was, to prevent the enemy from carrying on his coasting trade through the means of neutral bottoms, at a time when the naval superiority of Great Britain precluded him from effecting it in vessels navigated under his own flag and belonging to his own subjects. But the trading from hostile port to hostile port, at the same time that it was so beneficial and even necessary to the enemy, was comparatively of little benefit to the neutral, and hardly entitled to the character of neutral commerce.

The coasting trade of the enemy in time of peace is carried on by his own navigation. Even the other branches of trade referred to, viz., from Holland to France, to Spain, and the hostile parts in the Mediterranean, in time of peace, chiefly pass by the navigation of those countries respectively.

It is principally from the success of the British maritime force, which has almost annihilated the navigation of the enemy, that the ships of Denmark and other neutral states are employed as carriers from hostile port to hostile port, in order to relieve the enemy from his distress; and it is notorious that the trade thus carried on is supported by the shameful misconduct of neutral merchants, who lend their names for a small per centage, not only to cover the goods, but in numberless instances to mask the ships of the enemy.

The Danish minister, in his note, seems indeed so intent upon asserting neutral rights, as appa-

rently to forget that there also exist corresponding neutral duties.

Neutrality, properly considered, does not consist in taking advantage of every situation between belligerent states, by which emolument may accrue to the neutral, whatever may be the consequences to either belligerent party; but in observing a strict and honest impartiality, so as not to afford advantage in the war to either; and particularly in so far restraining its trade to the accustomed course, which is held in time of peace, as not to render assistance to one belligerent in escaping the effects of the other's hostilities. The duty of a neutral is, "*non interponere se bello, non hoste imminente hostem eripere*;" and yet it is manifest, that lending a neutral navigation to carry on the coasting trade of the enemy is in direct contradiction to this definition of neutral obligations, as it is, in effect, to rescue the commerce of the enemy from the distress to which it is reduced, by the superiority of the British navy, to assist his resources, and to prevent Great Britain from bringing him to reasonable terms of peace.

To put a stop, therefore, to this species of trade, is a measure which might easily have been justified without reference to the late conduct of France; and even if the Danish navigation were likely to suffer some inconvenience from it, there would not exist any just ground of complaint: but when it is the only step in the way of retaliation which has hitherto been adopted on the part of the British government, his majesty's forbearance and magnanimity must appear eminently conspicuous.

If, after all, the probable conse-

quences of this measure are contemplated with any degree of temper, they will appear rather likely to prove beneficial than otherwise to the Danish nation. The products of the hostile countries will of necessity find their way into neutral countries, not only for consumption but for re-exportation: Denmark will then become a great *entrepôt*; her navigation will not have the less employment; the real *bona fide* commerce of her subjects will be extended, and her revenue, at the same time, will be considerably benefited.

The enemy it is true will suffer by the enhanced price which he must pay for the articles which he imports, when obtained by this circuitous mode, and by the reduced price at which he will be obliged to dispose of his exports, as well as by the increased difficulty of covering his commerce under a neutral flag. But it is presumed, that these considerations cannot furnish any just cause of complaint on the part of Denmark, the real trade of which country will, in all probability, be eventually rather benefited than exposed to any injury from the measure in question.

Upon the whole, the undersigned is instructed to declare to M. Rist, that his majesty cannot be induced to revoke the order in council of the 7th January, till France shall not only have desisted from acting on the decree of the 21st November, but shall have publicly and formally repealed it. Should Denmark adhere to the resolution she has expressed of resisting the unjust pretensions of the enemy, and manifest a sincere disposition to maintain a real and honourable neutrality, it is very

far from his majesty's wish or intention to deprive her of any of the advantages which fairly belong to that relation; but if unfortunately it shall appear that this neutrality consists in mere assertion, and displays itself only in remonstrances on her part, against such measures as his majesty is justly authorized to adopt, in support of the dignity of his crown and the interests of his subjects, and on the other hand in the most complete and unqualified acquiescence in every demand which the enemy may think proper to advance, the king would consider himself as wanting in the regard which he owes to his own honour and the welfare of his dominions, were he to omit taking, on his part, such measures as may be necessary to secure both, against the injury which must necessarily arise from a continuance of such conduct on the part of the Danish government.

HOWICK.

SUBSTANCE OF PAPERS RELATIVE TO THE RUPTURE BETWEEN TURKEY AND GREAT BRITAIN, LAID BEFORE THE HOUSE OF COMMONS, MARCH 14, 1808.

The more important of these official documents commence with an extract from a dispatch of Mr. Arbuthnot to Mr. Fox, in August, 1806, stating that the hospodars of Moldavia and Wallachia were to be recalled by the Turkish government, contrary to its own express stipulations with Russia; and of this infraction of treaty, Mr. Arbuthnot states to the foreign secretary,

that there were positive proofs that the French were the instigators.

Note 3 contains that convention between Russia and the porte, by which the latter binds itself not to depose the hospodars for the term of seven years.

Note 4 is one presented by Sebastiani to the Ottoman government, in order to compel it to hostilities with Russia and England, after the emperor Alexander's rejection of D'Oubril's treaty. This note contains some singular positions respecting the rights of neutrals, as understood by the French ambassador and his master. The following is an instance:

"Any renewal or continuation of alliance with the enemies of France, such as England and Russia, would be not only a manifest violation of the neutrality, but an accession on the part of the sublime porte to the war which those powers wage against France; and his majesty would see himself compelled to take measures conformable to his interests and his dignity."

Note 5 states the restoration of the hospodars, who were, however, again dipossessed.

Note 6 mentions the arrival of admiral Louis, with the Canopus and the Endymion, in the harbour of Pera.

No. 7.

Dispatch from Lord Viscount Howick to the Right Honourable Charles Arbuthnot, dated 14th November, 1806.

SIR,

Your dispatches to No. 69, inclusive, have been received and laid before the king.

In obedience to his majesty's commands, I have the greatest pleasure in expressing to you his royal approbation of the whole of your conduct in the discussions which have taken place between Russia and the porte.

It is much to be lamented that any thing should occur to divide, and perhaps to turn against each other, the efforts of those powers, which a sense of their mutual interests should unite against the common enemy; and on this account, however adverse the conduct of the Turkish government may have been to any expectation of its success, every practicable mode of calm and amicable remonstrance should be used, in the hope of recalling the porte to a better policy.

The fatal effects of French influence, in the councils of other powers, are not in want of any illustration; and, indeed, if the situation of so many nations, once independent, and now the vassals of France, did not place in the most striking view the nature of the security to be derived from an alliance with that power, whilst it holds a position enabling it to act offensively against the object of its promised protection, the little disguise observed by M. Sebastiani would alone be sufficient to open the eyes of any government not absolutely blind to its own preservation. It is distinctly avowed in the note of that minister, that the possession of Dalmatia and Albania by the French, whilst it is asserted to be for the defence of the porte, may at any time be used for its destruction. Even the offer of protection is accompanied by a direct menace of attack on the Turkish dominions, if the porte does not at

once renounce its connection with allies, whose powerful and disinterested support it has already experienced, and become unfaithful to its subsisting engagements.

The evident tendency of such conduct on the part of the French government, and the effect it must inevitably produce with respect to the allies, if the porte should yield to an influence so fatal to its security, are very properly pointed out in the notes which you have delivered. You will immediately state that they have met with the decided approbation of this government; and you will add, that there can exist but little hope of preserving the relations of amity between the two powers, whilst a minister, whose influence has already been so prejudicial to the friendship subsisting between them, is suffered to remain at Constantinople. The insulting and faithless propositions made by M. Sebastiani, which it is to be much regretted the porte did not immediately reject with indignation, justify the allies in requiring that he should be removed. You will, therefore, in enforcing the representations which you are hereby instructed to make, on the necessity of immediate satisfaction with respect to the just demands of Russia, urge this point also in the strongest manner, as of the greatest importance to the preservation of a good understanding between the two powers.

It was thought right to lose no time in forwarding to you this dispatch, at the same time that an additional naval force is preparing to be sent to lord Collingwood, which may enable him to

detach a sufficient squadron for Constantinople, to give weight to, and, if necessary, to enforce, an acquiescence in your representations.

Whether it may be prudent immediately to avow this intention, it will be for you to consider. The commercial establishments formed by British subjects in the Turkish dominions, and the danger to which their persons as well as their properties may be exposed from the violence of a power restrained by none of those rules of conduct which govern civilized nations, will not fail to be duly weighed by you in forming your determination.

When this force sails, further instructions will be sent to you, which the additional information that may be expected will probably enable me to apply with more certainty to the existing circumstances.

In the mean time, as a rupture appears but too probable, you will take all necessary measures of precaution for securing every thing that belongs to your mission, and for guarding the persons and property of the British merchants against any injury.

I am preparing instructions relative to the dragomans, and other objects mentioned in your former dispatches, which shall be sent by the earliest opportunity.

HOWICK.

P. S. I have every reason to expect that the proposed reinforcement to lord Collingwood will sail in four or five days, and his lordship will have orders immediately to detach a sufficient squadron to the Dardanelles.

No. 8.

*Dispatch from Lord Viscount
Howick to the Right Honourable
Charles Arbuthnot*.*

*Downing-street, November
SIR, 20th, 1806.*

The particulars of the late conduct of the porte, as detailed in your dispatches, have engaged the most serious attention of this government; they but too clearly demonstrate the prevalence of the French influence in the divan, and impose on his majesty the necessity of taking the most prompt and vigorous measures for the security of his own interests, and for the fulfilment of his engagements to his ally the emperor of Russia.

You have been already apprized of the king's intention to send a powerful squadron to Constantinople for this purpose. The departure of that squadron now enables me to furnish you with these further instructions for your conduct.

You will, immediately on its arrival, declare to the Turkish government the reasons which have induced his majesty to take this measure. You will state, that the British fleet comes either to attack or defend, as the conduct of the porte shall determine; that it would always be more consonant with the most earnest wishes of his majesty's heart to appear rather in the character of a friend than an enemy, to a power whom interest should unite with him in support of the common cause, and with whom the increased dangers of the present crisis would dispose his majesty to strengthen the bonds of his alliance; but that the determi-

nation of which of these characters his majesty is to assume must now rest with the porte; and that his majesty feels himself under the necessity of peremptorily proposing this alternative: either the influence of France must cease, or the friendship so long established between the two powers,—a friendship beneficial to both, but eminently advantageous to the Turkish government,—can no longer continue.

Nor are the proofs which his majesty requires of the destruction of an influence so fatal to the best interests of the porte unreasonable in themselves, or difficult to be given. They consist simply in a faithful observance of the engagements which the porte has contracted with the allies. By treaty, the porte is bound not to dispossess the hospodars of Wallachia and Moldavia for a certain time, or without the consent of Russia. By treaty, the porte is also bound to permit the passage of Russian ships of war, with the necessary transports to convey stores and provisions, through the canal of Constantinople.

Let the deposed hospodars be reinstated in the governments of which they have been unjustly dispossessed; let the passage of the Russian ships be granted, free from impediment, according to the terms of the treaty, and all appearance of hostility on the part of Great Britain shall immediately cease.

Upon these two points, therefore, you will immediately and peremptorily insist, as indispensable to the continuance of peace. Upon receiving a satisfactory answer, you will declare that the British squadron shall remain only so long as its presence may be necessary

* Not received by Mr. Arbuthnot until after he had quitted Constantinople.

for the security and protection of the porte itself; and you will give the strongest assurances of his majesty's support and assistance, if the Turkish government, adopting a better policy, should disengage itself from its connections with France. But if this satisfaction should unfortunately be refused, or improperly delayed, you will deliver in a note, recapitulating the complaints which his majesty has to urge against the porte, and declaring your mission to be at an end; and taking care, as far as may be possible, to secure the persons and property belonging to it, as well as to the British factory, you will retire on board the fleet, or to a place of safety, and immediately signify to the British admiral, that hostilities are to commence.

There are indeed other points which, even if the porte should acquiesce in the demands which you are above more particularly instructed to make, must not be overlooked; and particularly the removal of M. Sebastiani from Constantinople, and the renewal of the treaty with Great Britain. The first, more especially, should be much insisted on, as of the utmost importance to a preservation of the good understanding between the two powers; but neither of them are such as, if the principal objects in dispute are conceded, would of themselves justify a declaration of war.

The former part of these instructions having been written in the hope that the Russian minister may not yet have quitted Constantinople, it still remains for me to provide for the case of war having actually begun between Russia and the porte.

In this case you will offer the mediation of his majesty, on the ground of immediate compliance with the two principal demands above referred to, viz., the restitution of the hospodars, and the free passage of Russian ships to and from the Black sea. Should this offer be accepted you will immediately dispatch a confidential person to the general commanding the Russian army, and to M. Italinsky, if he should be in a situation to receive such a communication, requesting a suspension of hostilities for the purpose of commencing a negotiation for peace, for the conclusion of which you will continue to employ your good offices. If, on the contrary, this just offer should be rejected, you will, as in the former case, terminate your mission, and send the necessary information to the officer commanding his majesty's ships of war, that he may proceed according to his instructions, to enforce, by the power of the British navy, those fair and equitable demands, a compliance with which it would have been so much more satisfactory to his majesty to have obtained from the porte through a sense of its own interest, and an acknowledgment of their moderation and justice. Should the Turkish government unhappily persevere in listening to the counsels of France, his majesty is confident that the events which must follow cannot be imputed to Great Britain or Russia: their conduct towards the porte has been uniformly that of the most disinterested friendship, and the porte has, in more than one instance, experienced the efficacy of their power in defending her against the designs of France. These designs, though not now

pursued by open force, are not less apparent than when France, faithless to her engagements, at the same time that she insolently professed to act as an ally of the porte, invaded and conquered one of the dependencies of the Turkish empire : that conquest was wrested from her, and restored to the porte, by the successful arms and generous policy of Great Britain. In the same spirit the allies have still continued to act towards the porte ; and that government must be under the influence of a blindness hardly to be conceived, if, in opposition to such recent experience, and to her most evident interests, she shall reject an alliance in which she has hitherto found security and honour, under the belief that either can be attained under the promised protection of France. Are the designs of France doubtful ? Let the position which she occupies in Dalmatia and Albania, which cannot be stated to be in any way necessary to the security of her own frontier ; let the language of M. Sebastiani himself, declaring that from that point defensive measures may be taken, and openly threatening the destruction of the Turkish empire, answer that question. The proofs of the designs of France are indeed too numerous to be recited, and the invasion of Egypt serves as an example of the attempts which that government is prepared to make, not on that country only, but on Greece, on Syria, and on other valuable dependencies of the Turkish empire. In such a situation of affairs the intrigues and the menaces of France equally render any temporizing measures impracticable ; the porte is placed in a situation in which a real neutrality can no

longer be preserved, and she must choose between those powers whose friendship she has experienced, and those whose promises she has so much reason to distrust. Against France, more fatal to the interests of Turkey as an insidious friend than as an open enemy, his majesty and his august ally have offered their generous protection ; and having exhausted all the means of conciliation consistent with their interests and their honour, his majesty awaits the result, whatever it may be, with an entire confidence, that the uniform disinterestedness of his intentions will be fully manifested to the world. I am, &c.

HOWICK.

The rt. hon. Charles Arbuthnot.

No. 9, and its enclosure, details the conference, and contain a letter which passed between Mr. Arbuthnot and the Ottoman ministers ; this correspondence, oral and epistolary, leading to no adjustment of differences.

No. 10.

Extract of a dispatch from the Right Hon. Charles Arbuthnot to Lord Viscount Howick, dated Canopus, off Tenedos, Feb. 3, 1807.—Received May 2, by Mr. Secretary Canning.

The dispatch which I wrote on the 27th of last month will have informed your lordship of my having received your instructions of the 14th of November, and of the conference which immediately after their arrival I had with several of the Ottoman ministers.

It is now necessary that I should state my reasons for having joined his majesty's squadron, instead

of remaining at my post until I had been ordered to quit it by your lordship; and I feel perfectly confident that my conduct on this occasion will not subject me to any censure.

I shall be able to prove clearly, that there was an avowed design to cut off my communication with his majesty's government; and I shall have to relate some other circumstances which will make it no less evident, that I was residing in a country where, in conjunction with our enemy, measures of hostility against his majesty had been already organized.

As the last dispatches which I transmitted to your lordship were of considerable importance, it was thought advisable that a firman or passboat should be procured for the officer of the *Endymion*, who was to convey them by sea to admiral Louis.

I accordingly directed Mr. Pisani to apply for a firman; and, to prevent any delay on the part of the porte, I sent him to the reis effendi very early in the morning of the 27th of January, it being my intention that the boat with my dispatches should leave Constantinople on the evening of the same day.

Instead of bringing me the firman, Mr. Pisani came to me about five o'clock in the afternoon, to let me know that he had not succeeded in his application; that he hoped, however, to have better success on the following day, but that the reis effendi seemed to dislike my transmitting any dispatches to England, as my writing so immediately after my conference, and before I had an answer from the porte, gave ground for apprehension that I was not in-

clined to an amicable termination of our differences.

Not having at the moment any idea that the porte could really intend decidedly to refuse a firman, I had no scruple in authorizing Mr. Pisani to assure the reis effendi in writing, and to give my word of honour for the truth of what he was to advance, that I could not delay sending a messenger to your lordship, as I had several dispatches to transmit which had been prepared before the arrival of the late instructions from England; and that with respect to those instructions I had merely informed my government of what had passed at our conference, but that I had scrupulously avoided to give any opinion as to the nature of the answer which I was expecting to receive. I was anxious to make it clear to the porte, that I had not acted so unfairly as to prejudice the question; and your lordship will, in fact, have seen that I confined myself to a bare statement of what had passed, without venturing to form a conjecture whether the demands I had made would be agreed to or refused.

Mr. Pisani wrote that evening to the reis effendi, and, very early in the morning of the 28th, he went to the porte for the purpose of renewing his application for a firman, and with the hope that the explanatory letter which I had enabled him to write would certainly have removed every difficulty.

It did not appear, however, that my assurances had produced the desired effect. The reis effendi could not continue to allege the same excuse for delaying to deliver the firman, but now he took

another ground, and after keeping Mr. Pisani waiting at the porte the whole of the day, he at last did not scruple to say, that in the actual state of affairs it would be extremely embarrassing for the porte if I held a communication with the admiral of the British squadron.

It might, he observed, be my intention to write in such terms to the admiral as would cause hostilities against the porte, and as I had declared in my conference that the strictest union existed between his majesty and the emperor of Russia, measures might be taken, in consequence of my letters, for the fleets of the two nations to attempt in concert the passage of the Dardanelles. Mr. Pisani has not informed me whether it was intended that all these particulars should be related to me; but I recollect his saying, that he was desired by the reis effendi to endeavour to persuade me that the delivery of the firman had only been delayed, and was not decidedly refused.

As there was not a moment's time to be lost, I quitted Mr. Pisani, and going immediately to captain Capel, who happened fortunately to be in my house, I desired him to acquaint the officer who was to carry my dispatches with the critical situation of affairs; and to give him orders to wait till it was dark, and then to set off for the Dardanelles without a firman.

I had hopes that the officer, by taking this precaution, might be able to reach the squadron without being detained; and I have been happy to learn since, that I was not deceived in my expectations.

With the view of ascertaining precisely what conduct towards me I might now expect from the

porte, I immediately wrote an official note to the reis effendi, in which I required to be informed whether the not allowing me to communicate with my government had been owing to a mistake, and whether any thing of the like nature could ever again happen. This note, of which I herewith enclose a copy, was sent to the reis effendi with no other loss of time than what was required to have it translated, and it was accompanied by a letter from me to Mr. Pisani, in which it was expressly stated, for the information of the porte, that it would be absolutely impossible for me to remain at Constantinople, if passports for my messengers were refused.

In the mean time I had heard from various quarters that the porte, elated by the news of a great defeat which was said to have been suffered by the Russians on the 22d of December, had determined not to attend to the representations which your lordship had ordered me to make; and that the intention was to seize the *Endymion*, and to thwart the operations of his majesty's government, by keeping me and the British factory as hostages.

As the porte, in the very recent instance of M. d'Italinsky, had both verbally and in writing made no scruple to justify that treatment of foreign ministers, to which, in defiance of the usages established between civilized nations, she has always been accustomed; and as her not violating the rights of nations in her conduct towards the Russian mission had been represented as a mark of peculiar condescension, I had no reason to expect that any the most reprehensible measures would be abstained from, which might afford

the means of rendering it difficult for his majesty to defend his interests. Unless some such determination had been taken as I was informed of, it would have been difficult to account for the boldness evinced by the porte in refusing passports for my messengers, and it might have been still less easy to explain her imprudence, in having avowed her union with France, by employing in her service the military talents of general Sebastiani, and by distinguishing that ambassador, notwithstanding what had so recently been said on that subject, by new and unexpected honours. This minister of France had been appointed by the porte to mark out the places where new batteries should be raised; he had been desired to station the ships where their range of shot would be most destructive; and to prove to him that in his person a defiance should be given to the English, he had been decorated with the insignia of that order which had been instituted by the sultan as a token of gratitude to his majesty, and as a lasting memorial of what had so gloriously been achieved against the French by the British troops in Egypt.

Although I had so many and such strong reasons for mistrusting the porte, and although captain Capel had begun to be extremely alarmed for the safety of the *Endymion*, it was not till about nine o'clock in the morning of the 29th January, that I formed my resolution of endeavouring to quit Pera. I had not long resolved to do it, before I learned from a person who was not likely to deceive me, that, according to the information he had already received, we were all of us ready to be detained as hostages; and as

Mr. Pisani came soon afterwards to inform me that he could neither obtain a firman nor an answer to my note, the reis effendi not having been prevailed upon to do more than to direct him to call again on the ensuing day, I had no doubt remaining as to the propriety of my retiring from a post where I was not allowed the means of doing my duty to my sovereign.

But the more I was impressed with the indispensable necessity of taking measures for my removal from Constantinople, the more I was struck with the extreme difficulty of being able to effect it. I had to provide for the security of the British merchants, and I had also to convey my own family on board of ship, without suspicion being given of what I was intending.

As all depended upon the secrecy of my plans, and as there could be no hope of impressing upon each member of the factory the danger which would arise from a premature discovery, I determined to have them assembled on board the *Endymion*, under the pretence of their being invited to dine there, captain Capel having given orders beforehand that no one who entered the ship should be allowed to leave it without his permission.

This precaution was necessary, as all communication with the shore was thereby prevented; and as my secret was confided to no one, except to captain Capel and a merchant who had been directed to take care that none of his countrymen should be missing, I was sanguine in my expectations that all my arrangements would be successful.

When I had reason to believe

that every British subject was already gone to the *Endymion*, I went on board myself, and had the satisfaction to find, that not a single person was missing.

I then assembled the merchants, and made them acquainted with the motives which had induced me to withdraw them thus privately from Constantinople. I told them that, as the conduct of the porte, particularly since it was known that the Russians had been defeated in Poland, had destroyed all hope of attention being paid to my representations, a rupture with us must probably ensue; and that, in that event, they could have expected nothing less than the loss of all their property and imprisonment. I made them understand that, by the measure I was pursuing, their persons would at any rate be placed in safety. The merchants seemed to be unanimously of opinion, that I had acted properly. It had come to their knowledge as well as mine, that there was an intention to seize the frigate, and thus to prevent their departure; and as most of them had been witnesses of the cruel treatment which in the war with France the merchants of that country had suffered, they could not but congratulate themselves on finding that that they were unexpectedly relieved from so distressing a situation.

Every discussion respecting our departure being now ended, I wrote the note to the reis effendi which I intended to leave behind, and gave it to one of my servants who was to remain at Pera, with orders to him not to deliver it before the next morning.

I have herewith the honour of enclosing a copy of that note, and I trust that the contents of it will

appear to your lordship sufficiently expressive of my earnest wish to avoid hostilities.

At nine o'clock at night, when it was so dark that our departure was not likely to be perceived, captain Capel ordered his cables to be cut. Without troubling your lordship with a long account of what happened to us on our passage, it will be sufficient to say, that after having had some reason to apprehend that the capitan pacha, who was with the Turkish fleet, might attempt to detain us, we had the satisfaction to find that our salutes were returned; and shortly after, it being early in the morning of the 31st January, we anchored in the midst of his majesty's squadron, which, instead of removing to Tenedos, as was intended, had been unexpectedly obliged to remain at the Dardanelles.

I cannot help considering it as most fortunate that sir Thomas Louis was still in sight of the Turkish ships, as I much doubt whether otherwise we should have been allowed to pass without molestation. That the capitan pacha might know exactly the real situation of affairs, I sent Mr. Pisani to give him the strongest assurances in my name, that my removal from Constantinople was merely a measure of precaution, and that it would rejoice me if the answer which I was expecting from the porte should permit me to return.

When Mr. Pisani came back from the capitan pacha, who discharged him with an extremely civil message for the admiral and for me, and who I really believe deprecates the idea of a war with England, the whole squadron weighed anchor, and we repaired to our present station off Tenedos.

It was right to lose no time in changing our position; for admiral Louis had given his word, that this movement should not be delayed, and besides, I was desirous that nothing which could be construed into a hostile intention should appear to be the consequence of my arrival.

The two enclosures of Note 10 are sufficiently explained by the contents of that note.

Note 11 and its two enclosures contain the excuses of the porte for having denied the British minister a passport for his courier, and an accusation of him for withdrawing himself and the British merchants privately on board the fleet.

No. 12.

Dispatch from the Right Honourable Charles Arbuthnot to Lord Viscount Howick, dated Royal George, 11th February, 1807.—Received 2d May.

MY LORD,

When I wrote to your lordship the letter marked private of the 10th inst. from on board the *Endymion*, I fully expected that on the ensuing morning I should have an interview with his highness the capitan pacha, and that it would be ascertained, whether our passage through the Dardanelles was to be amicable or hostile.

The wind however blew so hard on the following morning, that on account of the surf it was impossible to attempt to land me; and as the forts fired upon the *Endymion*, there was an evident unwillingness to permit the frigate to run into sufficiently smooth water for me to be put on shore.

Nothing therefore remained to be done, but to write a letter to Mr. Pisani, in which the cause of my not landing should be explained; and in which one more effort should be made to inspire the officers of the sultan with the pacific disposition by which we ourselves are influenced.

I have the honour of transmitting a copy of this letter to your lordship, which in the course of the day we had the means of sending by a Turkish boat into the Dardanelles, although the increased violence of the wind rendered it more impossible than ever to land me on the open beach.

Yesterday morning, and not before, the weather had become so moderate, that I was enabled to pay a visit to the capitan pacha, and I accordingly went on shore to meet him.

With his highness personally I had the greatest reason to be satisfied, but he could agree to nothing which would have authorized me to propose to sir J. T. Duckworth not to force the passage. He wished me to go with him in the *Endymion* to Constantinople, that I might propose my terms to the ministers of the porte, and that the British fleet should in the mean while remain at anchor off Tenedos.

I told him that I could not return to the admiral with such a proposition, but that I would make an endeavour to stop the progress of the fleet towards Constantinople, provided it should be permitted to remove to the anchorage within the entrance of the passage which had been lately occupied by sir Thomas Louis, and provided a British officer was allowed to remain at each fort, for the purpose of ascertaining that no addi-

tional works were carried on during the time that the negotiation with the porte was pending. I added, that should his highness adopt this idea, and should it be approved by the admiral, to whom I had not as yet had an opportunity of mentioning it, I would most readily go up to Constantinople; but that instead of taking the *Endymion*, I should, for the sake of saving time, prefer a Turkish row-boat.

The capitan pacha assured me, that he dared not assent to what I had suggested, as he should have to answer with his head for having presumed to disobey the sultan's orders. He observed likewise, that the rapid march of the French army towards the Dniester would oblige the porte to be still more cautious in her negotiations, as, should the alliance of Russia be at this moment renewed through the mediation of Great Britain, Bonaparte might have a pretence for considering the sultan as his enemy, and that then he would not fail to invade the Turkish empire.

To this I replied, that the misfortunes which, according to his highness's statement, had happened to Russia, would be an additional motive with us, as we were sure it would be with our sovereign to give assistance to our ally, when it appeared to be most needed; that, on account of the present situation of affairs, I might perhaps be induced to recede in some instances from what the interests of my own sovereign might have authorized me to demand; but that every effort must be made on our part to relieve the emperor of Russia from the war which the Turks were carrying on against him, and that I would willingly, to effect this object, go myself, in

company with a Turkish negotiator, to general Michelson's headquarters, and there employ my good offices to restore peace.

The capitan pacha seemed to listen with pleasure to all I said. He regretted only that he durst not venture to transgress his orders; and appearing to hope that sir J. T. Duckworth could be prevailed upon not to remove from his present station, he earnestly desired me to use my influence for the attainment of this object.

On my return to the fleet, I made the admiral acquainted with all the particulars of my conversation with the capitan pacha.

I cannot say what might have been the decision of the admiral, if the capitan pacha had readily consented to all that I had proposed; but when he learnt that nothing whatever was to be obtained as a compensation for loss of time, he gave it without hesitation as his decided opinion, that we must pass the Dardanelles before we again attempted to negotiate.

I immediately wrote to inform Mr. Pisani (who was remaining with the capitan pacha) of our final determination; and the letter to him, of which I enclose a copy, shall be sent on shore the very moment that the boat arrives which is to come for my answer.

The die therefore is now cast. Every effort has been made by us to avert hostilities; and should the Turks commence them against us, every effort shall still be made to prove to the porte, that the wish of our sovereign is peace. With this view, I have directed Mr. Pisani to inform the capitan pacha, that, on our arrival before Constantinople, I shall once more offer to negotiate, and that no hostile measures shall be undertaken by us,

while a hope remains that our pacific intentions will be justly appreciated.

Should we ultimately fail in our endeavours to preserve peace between his majesty and the porte, every exertion will, I am certain, be made by sir J. T. Duckworth to succeed in those measures which he has been directed to undertake. But it is to be recollected that, ever since the commencement of the war with Russia, this government has been increasing, and to a great extent, its means of defence; and should the Turkish navy have been removed into the Bosphorus, there would, I imagine, be an absolute impossibility of withdrawing it from under the new and strong batteries, which, under the inspection of general Sebastiani, have been now erected.

I mention this, because it is not unlikely that there may be a failure in some of the objects which we have in view. This apprehension, however, would have no effect on the decision of the admiral, or, if I may so say, on that of myself. Our sovereign and ally have been greatly injured. A powerful fleet has been sent to secure those interests which had been endangered; and though the passage of the Dardanelles, in its present fortified state, cannot be undertaken without great risk, any probable loss would, in my opinion, be preferable to that dishonour, which would be attached to his majesty's arms if a menace had been made, which in the day of trial we had not dared to act upon.

The two enclosures of this note are sufficiently explained above, and with these the official papers conclude.

DECLARATION OF PRUSSIA
AGAINST ENGLAND.

The king being obliged, by the 27th article of the treaty of peace of Tilsit, concluded on 9th July, 1807, to shut, without exception, the Prussian ports and states against the trade and navigation of England, as long as the present war lasted between England and France, his majesty has not hesitated to take progressively the most appropriate measures to fulfil his engagements.

In directing these measures, his majesty did not dissemble the prejudice and losses which would result to the commerce of his dominions in general and that of his subjects, who, by a long series of misfortunes, have acquired new rights to his paternal solicitude and benevolence; but his majesty yielded to the consolatory hope, that the mediation offered by Russia to England, by accelerating the return of a definitive peace between Great Britain and France, would soon bring about an order of things more congenial to the particular interests of each power.

The king has been deceived in his just expectation; the events that have taken place since, and which are too well known to render it necessary to recapitulate them, far from bringing the so much desired period of general peace nearer, have only placed it at a greater distance.

All communication is broken off between Russia and England. The declaration of his majesty the emperor of all the Russias, published the 26th of October, proves that there is no longer any relation between those two powers. His Prussian majesty, intimately connected by all his relations with

the cause and system of the continental neighbouring and friendly powers, has no other rules of conduct than his duties founded upon the interest of his states, and the obligation contracted by a solemn treaty.

Conformably to these principles his majesty, setting aside those considerations which he had hitherto respected, in the vain hope of a speedy general pacification; and having refused, since the mission of lord Hutchinson, to receive at his court any English diplomatic agent, has just ordered his legation at London to quit England as soon as possible, and return to the continent.

His majesty the king of Prussia, in making known the resolutions which his engagements and the interest of his monarchy impose on him as a duty, declares by these presents, that, till the restoration of a definitive peace between the two belligerent powers, there shall be no relation between Prussia and England.

FREDERICK WILLIAM.

Memel, December 1, 1807.

PRUSSIAN PROCLAMATION.

His royal majesty the king of Prussia, our most gracious sovereign, has been solicited by both imperial courts of Paris and St. Petersburg, consistently with the system of the other powers of the continent, and the declaration against England, to extend the same measures against Sweden, which have been taken against England, on account of her fresh alliance with that power. In imitation of the declaration issued by the emperor of Russia on the 10th (22d) of February, in this year, his

majesty has accordingly broken off all relations with Sweden, and commands all in office under him, under the penalty of severe punishment, to refrain from all community or intercourse whatever with Sweden. In pursuance of this, from the present moment, and till farther orders, all Prussian harbours shall be utterly closed against Swedish vessels; Prussian vessels shall no longer be sent into Sweden, neither shall Swedish or neutral ships, or wares which come from Sweden, be admitted into Prussian harbours.

Koningsberg, March 6, 1808.

SWEDISH PROCLAMATION ON THE RUPTURE BETWEEN SWEDEN AND PRUSSIA.

We Gustavus Adolphus, by the grace of God king of Sweden, of the Goths and Vandals, &c., unto all our true and loyal subjects, greeting:

We herewith graciously make known to you, that his majesty the king of Prussia has declared to us, that all kind of intercourse between his dominions and Sweden is suspended, and that, in consequence thereof, all trade and navigation to Swedish ports is prohibited under severe penalties; and that further, all Prussian harbours are shut up against all Swedish ships.

This proceeding has not by any means been occasioned on our part; the said government, reduced by French tyranny, affords a fresh proof of the oppression to which all states must submit, that entertain any connection with the French government. An unfortunate lassitude, which prevented Prussia from resisting in due time,

has brought her to the distressed situation in which she is now placed, groaning under the domination of France, which still occupies a considerable part of the remains of that monarchy with a numerous army, notwithstanding the conclusion of peace.

We commend you all and severally to the merciful protection of Almighty God.

GUSTAPHUS ADOLPHUS.
Stockholm Castle, April 5, 1808.

DECLARATION OF THE EMPEROR OF RUSSIA AGAINST SWEDEN.

Justly indignant at the violence which England has displayed towards the king of Denmark, the emperor of Russia, faithful to his character and to his system of unceasing care for the interests of his empire, notified to the king of Great Britain, that he could not remain insensible of so unjust and unexampled an aggression on a sovereign connected with him by the ties of blood and friendship, and who was the most ancient ally of Russia.

His imperial majesty informed the king of Sweden of this determination by a note, dated the 24th of September last, and presented to the Swedish ambassador.

An article in the treaty concluded in 1783, between the empress Catharine and Gustavus III, and another in the treaty of 1800, between the late emperor Paul and the present king of Sweden, contain the reciprocal and stipulated agreement to maintain the principle, that the Baltic is a close sea, with the guarantee of its coasts against all acts of hostility, violence, or

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vexations whatever; and farther to employ for this purpose all the means in the power of the respective contracting parties. His imperial majesty, referring to these treaties, considered himself not merely authorized, but bound, to call upon the king of Sweden for his co-operation against England.

His Swedish majesty did not disavow the obligations imposed upon him by the treaties referred to, but refused all co-operation until the French troops should be removed from the coast, and the ports of Germany opened to English ships. But the question here was, the checking of those aggressions which England had commenced, and by which all Europe was disturbed. The emperor demanded from the king of Sweden a co-operation founded on treaties; but his Swedish majesty answered by proposing to delay the execution of the treaty to another period, and by troubling himself with the care of opening the Dutch ports for England: in a word, with rendering himself of service to that England, against which measures of defence ought to have been taken. It would be difficult to find a more striking proof of partiality on the part of the king of Sweden towards Great Britain, than this which he has here given.

His imperial majesty, on the 16th of November, caused a second note to be delivered, in which his Swedish majesty was informed of the rupture between Russia and England.

This note remained two months unanswered; and the answer, which was transmitted on the 9th of January to his imperial majesty's minister, was to the same purport as the former.

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The emperor is, however, far from regretting his moderation. He is, on the contrary, well pleased to recollect, that he has employed every means that remained to him for bringing back his Swedish majesty to the only system of policy which is consistent with the interests of his states ; but his imperial majesty owes it at least to his people, and to the security of his dominions, which is to a sovereign the highest of all laws, no longer to leave the co-operation of Russia with Sweden a matter of doubt.

Informed that the cabinet of St. James's, endeavouring to terrify Denmark into a concurrence with the interests of England, threatened that Swedish troops should occupy Zealand, and that the possession of Norway should be guaranteed to the king of Sweden ; assured also that his Swedish majesty, while he left the Russian note unanswered, was secretly negotiating a treaty at London ; his imperial majesty perceived that the interests of his empire would be very ill secured, were he to permit his neighbour, the king of Sweden, at the commencement of a war between Russia and England, to disguise his well-known sentiment of attachment to the latter power, under the appearance of a pretended neutrality. His imperial majesty therefore cannot allow the relations of Sweden towards Russia to remain longer in a state of uncertainty. He cannot give his consent to such a neutrality.

His Swedish majesty's intentions being therefore no longer doubtful, nothing remained for his imperial majesty but to resort to those means which Providence has placed in his hands, for no other

purpose except that of giving protection and safety to his dominions : and he has deemed it right to notify this intention to the king of Sweden, and to all Europe.

Having thus acquitted himself of that duty, which the safety of his dominions requires, his imperial majesty is ready to change the measures he is about to take, to measures of precaution only, if the king of Sweden will, without delay, join Russia and Denmark in shutting the Baltic against England until the conclusion of a maritime peace. He himself invites the king, his brother-in-law, for the last time, and with all the feelings of real friendship, no longer to hesitate in fulfilling his obligations, and in embracing the only system of policy which is consistent with the interests of the northern powers. What has Sweden gained since her king attached himself to England?

Nothing could be more painful to his imperial majesty, than to see a rupture take place between Sweden and Russia. But his Swedish majesty has it still in his power to prevent this event, by resolving, without delay, to adopt that course which can alone preserve a strict union and perfect harmony between the two states.

Done at St. Petersburg, February 10, 1808.

CONVENTION BETWEEN GREAT BRITAIN AND SWEDEN.

The consequences of the treaty of Tilsit, between Russia and France, unfolding themselves more and more, in such a manner as to threaten Sweden with a speedy invasion, for the purpose

of forcing her to accede to the French system ; and his Swedish majesty finding himself therefore under the necessity of bringing forward, to resist its effects, a greater force than he has at his ordinary disposal, his Britannic majesty, animated with the constant desire of contributing to the defence and security of his ally, and of supporting him by every means, in a war undertaken for the mutual interests of both states, has determined to give to his Swedish majesty an immediate aid in money, as being the most prompt and efficacious, to be paid from time to time at fixed periods ; and their majesties having judged it expedient, that a formal convention, with regard to their reciprocal intentions in this respect, should be concluded, they have for this purpose named and authorized their respective plenipotentiaries : that is to say, in the name and on the part of his majesty the king of the united kingdom of Great Britain and Ireland, Edward Thornton, Esq., his envoy extraordinary and minister plenipotentiary to his majesty the king of Sweden ; and in the name and on the part of his majesty the king of Sweden, the baron D'Ehrenheim, president of his chancery, and commander of his order of the polar star, who, after having communicated to each other their respective full powers, have agreed upon the following articles :

Article I. His majesty the king of the united kingdom of Great Britain and Ireland engages that there shall be paid to his majesty the king of Sweden the sum of twelve hundred thousand pounds sterling, in equal instalments of one hundred thousand pounds sterling each, per month, begin-

ning with the month of January of the present year inclusively, and to continue successively in the course of each month, the first of which instalments shall be paid on the ratification of the present convention by his Swedish majesty.

II. His majesty the king of Sweden engages on his part to employ the said sum in putting into motion, and keeping on a respectable establishment, all his land forces, and such part as shall be necessary of his fleets, and particularly his flotilla, in order to oppose the most effectual resistance to the common enemies.

III. Their said majesties moreover engage to conclude no peace, or truce, or convention of neutrality, with the enemy, but in concert and by mutual agreement.

IV. The present convention shall be ratified by the two high contracting parties, and its ratification shall be exchanged at London within the space of six weeks after the signature of the said convention, or sooner, if it can be done.

In faith whereof, we, the undersigned plenipotentiaries of their said majesties, have signed the present convention, and have caused the seal of our arms to be affixed thereto.

Done at Stockholm, the 8th of February, in the year of redemption 1808.

EDW. THORNTON.

F. EHRENHEIM.

SEPARATE ARTICLE.

The two high contracting parties have agreed to concert, as soon as possible, the measures to be taken, and the auxiliary succours to be stipulated for, in the

case of a war actually taking place between Sweden and the powers her neighbours; and the stipulations which may thence result shall be considered as separate and additional articles to this convention, and shall have the same force as if they were word for word inserted therein.

In faith of which, we, the undersigned plenipotentiaries of their said majesties, have signed this separate article, and have caused the seal of our arms to be affixed thereto.

Done at Stockholm, the 8th of February, in the year of redemption 1808.

EDW. THORNTON.
F. EHRENHEIM.

PROCLAMATION OF COUNT BUX-
HOWDEN TO THE INHABI-
TANTS OF FINLAND.

It is with the utmost concern his imperial majesty, my most gracious master, finds himself necessitated to order his troops under my command to enter your country, good and brave inhabitants of Swedish Finland.

His imperial majesty feels the the more concerned to take this step, to which he is compelled by the transactions which take place in Sweden, as he still bears in mind the gracious and friendly sentiments which the Fins displayed towards Russia in the last war, when the Swedish king engaged in an invasion of Finland, in a manner equally unexpected and unwarrantable. His present Swedish majesty, far from joining his imperial majesty in his exertion to restore the tranquillity of Europe, which alone can be effect-

ed by the coalition which so fortunately has been formed by the most powerful state, has, on the contrary, formed a close alliance with the enemy of the general tranquillity and peace, whose oppressive system and unwarrantable conduct towards his imperial majesty, and his nearest ally, his imperial majesty cannot, by any means, look upon with indifference.

It is on this ground, in addition to what his imperial majesty owes to the security of his own dominions, that he finds himself necessitated to take your country under his protection, in order to secure to himself due satisfaction in case his royal Swedish majesty should persist in his design not to accept the just conditions of peace, which have been tendered to him by his French majesty through the mediation of his imperial Russian majesty, in order to restore the blessings of peace, which are at all times the principal objects of his imperial majesty's attention.

Good friends, and men of Finland, remain quiet, and fear nought; we do not come to you as enemies, but as your friends and protectors, to render you more prosperous and happy, and to avert from you the calamities which, if war should become indispensable, must necessarily befall you.

Do not allow yourselves to be seduced to take to arms, or to treat in a hostile manner the troops who are committed to my order. Should any one offend against this admonition, he must impute to himself the consequence of his conduct; while, on the other hand, those who meet his imperial majesty's paternal care for the welfare of the country,

may rest assured of his powerful favour and protection.

And as it is his imperial majesty's will that all the affairs in your country shall pursue their usual course, and be managed according to your ancient laws and customs, which are to remain undisturbed as long as his troops remain in your country: all officers, both civil and military, are herewith directed to conform themselves thereunto, provided that no bad use be made of this indulgence, contrary to the good of the country.

Prompt payment shall be made for all provisions and refreshments required for the troops; and, in order that you may be still more convinced of his majesty's paternal solicitude for your welfare, he has ordered several magazines to be formed, in addition to those which are already established, out of which the most indigent inhabitants shall be supplied with necessaries in common with his majesty's troops.

Should circumstances occur which require some amicable discussion and deliberation, in this case, you are directed to send your deputies, chosen in the usual manner, to the city of Abo, in order to deliberate on the like subject, and adopt such measures as the welfare of the country shall require.

It is his imperial majesty's pleasure, that from this moment Finland shall be considered and treated as other conquered provinces of the Russian empire, which now enjoy happiness and peace under the mild government of his imperial majesty, and remain in full possession of the freedom of religious worship, as well as of all its ancient rights and privileges.

The taxes payable to the crown remain in substance unaltered, and the pay of the public officers of every description continues likewise on its ancient footing.

All this is herewith made known to all whom it does concern, and who are strictly to conform themselves thereto, as well as to whatever else shall be enacted by his imperial majesty's ukase.

Given in head-quarters, Fredericksham, the 18th of February, 1808.

AUSTRIAN DECLARATION.

During the war which was concluded by the peace of Tilsit, his imperial, royal, and apostolic majesty continually endeavoured to impress the belligerent powers with the motives which ought to induce them to concur in endeavouring to procure a general peace. The court of Vienna from that time declared its sentiments to the cabinet of St. James's, and the imperial envoy at London, prince Stahrenberg, received formal and pressing instructions; but as the British ministry, in answer to these formal and written communications, declared that its answer must depend on its allies, the salutary propositions of Austria could not but be considered as disregarded, and soon after the treaty of Tilsit was concluded, by which the interests of the continent were regulated without the participation of Great Britain. His imperial, royal, and apostolic majesty continued convinced of the utility and of the necessity of a general pacification, and this conviction af-

forded him new motives for renewing his pressing representations to the court of London. In July, soon after the signing of the peace, prince Stahremberg again received orders to induce the British ministry to enter into a negotiation with France, in order that the continental peace might be connected with and confirmed by a maritime peace. But these propositions were not more successful than the former had been, and the answer of England was given evasively.

His majesty, however, thought it right to return to a subject of the most material influence on the general system of Europe, as well as on the prosperity of the Austrian provinces in particular. Prince Stahremberg was therefore, for the third time, directed, in September, 1807, to make some further overtures, connected with the former measures of the court of Vienna. But before his majesty's ambassador had reported the result of his communication, the court of London declared its sentiments with regard to a maritime peace in so positive a manner, refusing, at the same time, the mediation of Russia, making an attack on Copenhagen, and seizing the Danish fleet, without assigning any satisfactory cause for these violent measures; nay, endeavouring to justify these proceedings, their infringements of the unquestionable rights of neutral powers, by official declarations, which evidently clashed with the principles adopted by the other great powers, that it was impossible not to perceive, in the course pursued by the British ministers, a wish to remove the possibility of peace to a greater distance, and not to listen to whatever had any tendency to restore tranquillity to Eu-

rope. The impression which this conduct, destructive of all the hopes which his majesty had fondly conceived, made on him, was as deep as it was painful. Without waiting for the farther reports of prince Stahremberg, orders still more urgent, and more positive, were sent him, than he had before received. These instructions, bearing date the 30th October, contained, first, a recapitulation of all former transactions, and directed him to represent to the cabinet of St. James's, in the strongest colours, the unavoidable consequences of its conduct, and to insist, in the most earnest manner, on an open declaration of its real sentiments with regard to peace, and to avail himself of all possible means to lead it back to sentiments of moderation fitted for the present situation, and meeting the wishes of Europe. The dispatches closed with the precise order, to apply once more on this subject, in an official manner, to his Britannic majesty's minister for foreign affairs, and to make to him the formal proposal to enter into negotiations for a maritime peace, on such principles as answered the interest of all the powers concerned, and, as a provisional proof of his pacific disposition, to desist from the measures pursued against Denmark, and retract the declaration which accompanied them. Should the court of St. James's resist these proposals, or purposely protract giving any answer, prince Stahremberg was directed to demand his passports, and leave London, with every person belonging to the embassy.

It was the emperor's will that the above instructions should be restricted to such points of general interest as were most likely to

move the British cabinet to receive his proposals with attention and kindness; and if his imperial majesty ordered no complaints to be inserted of the numerous violations of his right as a neutral power,—violations, with regard to which his majesty had not been able to obtain the least redress or compensation,—the reasons, no doubt, will be obvious, which induced his majesty to pass by in silence whatever concerned his personal interest.

His imperial majesty's ambassador in London could not execute the positive orders which he received from Vienna to their full extent; but being of opinion that he might yet indulge a hope of being able to prevail on the English ministry to show more pacific sentiments towards France, he resolved to express at first part only of his orders, in a note which he addressed to Mr. Canning, on the 20th of November. The secretary of state answered that note by a mere repetition of the declaration made to Austria by England, since the the month of April, 1807.

As all farther representation was now evidently ineffectual, a final notification was sent on the 22d December to prince Stahremberg, which repeated the orders of the 30th October, and directed him, before his departure, to give in a note explaining the motives of the contract of the court of Vienna towards that of London. These dispatches did not however arrive in London till prince Stahremberg had applied for and received his passports, and he no longer could have communication with the secretary of state, and deliver in the note which had been transmitted to him. This representation, which is confined to the

official communications that have passed between the two governments, is sufficient to show that the cabinet of St. James's cannot mistake the causes or the motives which have induced his apostolic majesty to break off the connection which has hitherto existed between Austria and Great Britain.

The emperor, nevertheless, wishes to see the moment arrive, when the court of London, sensible of its true interests, shall, with calmness and justice, judge of and compare the situation of England with that of the other powers, and thereby enable his majesty to renew with it his former friendly connections.

Vienna, Feb. 18, 1808.

DECLARATION OF DENMARK AGAINST SWEDEN.

The Danish government has with just impatience waited to see the effect of the efforts employed by the court of St. Petersburg, for the purpose of recalling Sweden, by the most friendly means, to those interests which are common to her with all the powers of the north, and to those principles which are the first bond of her connection with Russia and Denmark. These efforts having finally proved ineffectual, the Danish government finds itself placed in a position towards Sweden, which will no longer allow its relations with that kingdom to remain uncertain. What these relations had become, it is indeed impossible to dissemble, after a perfidious aggression had suddenly forced Denmark from the path she had followed during a long se-

ries of years, without the slightest deviation. All Europe has resounded with one cry of indignation at the crime committed by Great Britain against a neutral and peaceful state; and from all quarters has the Danish government received testimonies of the most lively interest in its cause. The court of Stockholm alone, notwithstanding the particular ties which united it with that of Copenhagen, observed a total silence, which it at length broke, only to prefer complaints the most unfounded, and reproaches the most unjust, with respect to the inconveniences that had indirectly resulted to it from the events of the war, as well as from the rigorous measures which the situation to which the Danish government has been most unexpectedly reduced has imperiously required it to adopt, and which the chicane and endless vexations of Sweden have been little calculated to induce it abandon. The Danish cabinet would have been extremely embarrassed to interpret this conduct on the part of a sovereign, whose interests, principles, and sentiments it had regarded as being equally wounded by an act of atrocity, which has suddenly lighted the flames of war in the north, if it had not quickly seen cause to suppose, that the resolution taken by the king of Sweden, under these circumstances, was not merely that of indifference. The extraordinary facility with which that monarch, several weeks before the reduction of Straisund, had consented to the departure of the major part of the English forces in Pomerania (whither, as it should seem, they came with no other view than to await the opportunity of being conveyed to Zealand),

and the pains his Swedish majesty took to inform his people that this re-embarkation took place by virtue of a separate article of his convention with Great Britain, gave the first indications of a secret understanding at the expence of Denmark. These indications were very soon increased. The Danish government is not acquainted with the extent of the assistance which its enemy received in the ports of Sweden; but it has felt the consequences of that assistance in a manner the most lamentable to itself. It is easy to conceive the impression which has been produced upon the Danish nation by the relations of every kind, and the uninterrupted communications which the English found no difficulty in maintaining with Sweden. No one could fail to remark how much Denmark was insulted by the pleasure which the king of Sweden appeared to take in repairing to the coast opposite the sound, and beholding personally all the injustice and outrage committed against a neighbouring country; by the caresses and numberless marks of distinction lavished upon the leaders of the English forces; by the honours which they, on their part, affected to render to the ally of their sovereign; and by the demonstration of respect towards his Swedish majesty, to which the ships of war, violently seized from the port of Copenhagen, were not bound, on their passage along the sound, under the cannon even of that fortress to which their safety was owing. However unfavourable an aspect the concurrence of these circumstances necessarily casts upon the dispositions of the king of Sweden towards the government of Denmark, that government cannot re-

proach itself with having gratuitously exaggerated those appearances, which the court of Stockholm, far from attempting to remove, wished to produce, nourish, and strengthen, as far as it was in its power. But these simple appearances were soon succeeded by facts. The government of England was the first to develop to Denmark the openly hostile disposition of his Swedish majesty. Europe already knows the explanations occasioned between Denmark and Sweden by this denunciation. The king of Sweden, when called upon, in the most frank and friendly manner, to declare himself on this subject, was seen to endeavour eluding the necessity of such a declaration; and, when he was at length closely pressed, his majesty gave an answer oblique, equivocal, and insulting. Nevertheless, as this answer appeared in some measure to give the lie to the government of England, the government of Denmark was contented with it for the moment, and thought it becoming to dissimulate its just resentments against Sweden, in the hope that, enlightened concerning her true interests, and reflecting on the consequences of her resolutions, she would at last end by yielding to the representations which the court of St. Petersburg had made, with as much tenderness as patience, in order to engage her to renounce her alliance with Great Britain, evidently become incompatible with the tranquillity of the north, and especially with the security of Denmark. The Danish government is but imperfectly acquainted with the nature and extent of the engagements which Sweden has entered into with England; whatever may be the object

of them, and whatever their tendency, no one can better conceive or appreciate than itself the repugnance which his Swedish majesty could feel in failing in any of the obligations he had contracted. But the cabinet of Copenhagen is not uninformed that the Swedish government itself has admitted, that the term of its engagements recently expired; and after the cabinet of St. James's had unmasked itself in the face of all Europe, it would have been insulting the court of Stockholm to suppose that it would dare to concur in an attack upon the first bases of the security, prosperity, and dignity of the powers of the north. These considerations could not be balanced by the trifling advantage of subsidies, with which the cabinet of London shows itself ready at all times to purchase its allies, and whom it pretends to have then the right of treating as mercenaries.

These resolutions of the king of Sweden having, however, frustrated the last hopes of his neighbours, the government of Denmark could no longer hesitate, on its part, to take those measures which its security, the general interest of the north, its attachment to Russia, and the nature of its engagements with that power, imperiously prescribe to it. At a moment when Zealand is threatened anew by the forces of England, to which the ports of Sweden serve as a re-union; when the enemy of the north has just assured himself of the dependence of the court of Stockholm upon him for fresh pecuniary assistance; when the public declarations of the English ministry sufficiently unfold the nature of the engagements still subsisting or renewed between

the two allies, the Danish government deems it right to prefer a state of open hostility to precarious and equivocal relations, towards an enemy whose disposition is become more and more suspicious, and who, during a long period, could be considered only as a disguised enemy. His majesty the king of Denmark declares consequently, that he adopts altogether the resolutions of Russia in respect to Sweden, and that he will not separate his cause from that of the emperor Alexander, his august and faithful ally.

Given at Copenhagen, the 29th of February, 1808.

HIS SWEDISH MAJESTY'S PROCLAMATION, TOUCHING THE LEVY-EN-MASSE.

We, Gustavus Adolphus, make known, that as the eastern frontiers of the kingdom are already attacked by the enemy, and those in the west and north are likewise threatened, we feel ourselves called upon to make the utmost exertions for the defence of our invaded country. For this purpose, and in order that we may be able to raise a sufficient force to attack the enemy, it is our will that all young men from 18 to 25 years, both inclusive, of whatever rank or condition they may be, who have not enlisted in the regular army of militia, or navy, shall hold themselves in readiness to take up arms for the defence of our native land, and assemble at such places as shall be pointed out to them at a moment's notice.

Stockholm, March 14th,
1808.

ANSWER OF SWEDEN TO THE
DANISH DECLARATION.

The court of Denmark had formed an alliance with France, was prepared to receive French troops in its country, collected transport vessels in its ports, fitted out all its ships in the road of Copenhagen, to cover a French expedition against Sweden, and then issued a declaration of war. Denmark accuses Sweden of being the cause of this rupture, because she did not present compliments of condolence on the loss of her fleet, because she would not co-operate to avenge that humiliation, and especially because she sought aid from England against aggressions.

The relations of the king towards Denmark were those of mere peace. There was no alliance or convention between them, pointing out to the two courts any common course for their political conduct. Therefore when Sweden, Russia, and Prussia fought in conjunction with France, Denmark, sheltered by her neutrality, appeared the friend of all. The king, beholding this system, and convinced by some explanations demanded, in the course of the year 1806, of the impossibility of obtaining from Denmark a change of measures favourable to Sweden, could not entertain a hope that the naval force of Denmark could ever be serviceable to him; on the contrary, after the peace of Tilsit he had every reason to fear that by the suggestions of Russia and France it might be one day turned against him. His majesty therefore thought proper to observe a profound silence relative to the events which passed in this vicinity last autumn, leaving to England

the task to justify those events hereafter.

It is due to truth, however, to declare that the court of London did not invite Sweden to take part in this expedition, nor confide it to her till the moment of its being put into execution. Therefore not the slightest movements were made in Sweden on this occasion. The English fleet arrived, and departed without entering into any port of Sweden; and the auxiliary troops landed in Pomerania were given back, by virtue of a separate article in the convention concluded at London, relative to this object, on the 17th of June, 1807, when certainly there was as yet no reference to this expedition. The following is the article:

“It is fully understood that, in case unforeseen circumstances should render the object of this convention impracticable, or that his Britannic majesty should find it necessary to withdraw the said troops (the German legion) from Swedish Pomerania, the stipulation of this convention shall in no manner prevent his Britannic majesty from giving such orders as he may judge proper with respect to the ulterior disposition of these troops, which are now placed under the orders of his Swedish majesty.”

The court of London has since fully justified this enterprize, and the experience of every day justifies it: numerous French armies remained in Lower Saxony, and overawed the north; there were still nations to subjugate, ports to shut and forces to direct against England; they were to penetrate thither, whatever the expence might be; they would have acted in any case, and under any pretence that might have offered; and yet now it is the expedition

against the Danish fleet which is the rallying word of the whole league!

It is remarkable that the Danish government, already beset by French troops, overpowered, excited, and even paid, by France, issues a declaration of war against Sweden, without daring even to name the power which forces it to act; it labours to find out grievances and reasons for its determination, that it may appear to have a will of its own; it cites the remonstrances of Sweden against the stoppage of the Swedish mails as vexatious, while, in its sundry enactments against English correspondence, it would not suffer it to pass, even according to treaty; and it declares, that it is imperiously obliged to adopt those measures; it pretends to know the thoughts of the king, and is pleased to construe them as hostile, while itself, for some months, had concerted an act of aggression against Sweden; it pretends to argue from the interests of the country, though it has abandoned its own interests, and even its existence, to a foreign influence; in fine, it reproaches Sweden with having provided for her defence by a subsidiary treaty, though itself is paid for an act of aggression; and then it pronounces, though, indeed, with a kind of timidity, the word *mercenary*, an imputation which the government that lays it had probably cruelly dictated to it.

It is proper here to render to his Britannic majesty the most authentic solemn testimony, that, in all his transactions with Sweden, he never demanded offensive measures, nor required any thing that was not perfectly compatible with its tranquillity and independence. The most recent and con-

vincing proof of this is the promptitude with which his ministry acceded to the proposal of the king for the pacification of the Baltic, by a formal promise not to send thither any ships of war, on conditions useful and honourable to all the north. Let the Danish government read in this proposition the complete refutation of the complaints of which the manifesto against Sweden is composed; and in the moments when it shall return to itself, let it compare the state of things which the king has desired, with that which France and Russia wish. Let all the allies of France read in this conduct of England the difference between the connections which unite the two courts, and those which unchain them, and let them pronounce on which side is to be found a due regard for particular interests, and a just moderation on account of the general good.

Denmark herself has been, during a long time, the object of this moderation, and did not cease to be so till she became absolutely dangerous. When the north was outraged by the devastation of Lower Saxony, by the oppression of the hanseatic towns, what did she to avenge them? Sweden, England, Prussia, and Russia made war for this object; but no one thought of forcing Denmark to take part in it. She was the ally of Russia then as well as at present. Why did she not embrace her cause? What could she then allege for her tranquillity which Sweden cannot now allege? All this is explained by the single fact, which she endeavours to conceal, that she is at present under the influence of the French government. Had England followed the principles of this enemy, she

would have invaded her several years before; she would have guarded her; and all this with a view to the good of the north. Her ancient alliance with Russia is made a pretext for this aggression, though all the world knows that it is merely defensive, and that it remained suspended during the late wars of Russia, when perhaps that power might have claimed it.

The court of Denmark, in order to justify its proceedings, hesitates not to make all kinds of assertions, dares to defend the injustice of Russia, and betrays a premeditated plot; and all this is done to conceal the chief, nay, the only reason, which is, that Denmark is the ally of France.

But injustice and falsehood find their end, and honour and truth will triumph in their turn. His majesty, relying on the justice of his cause, hopes, with the conscious pride of reigning over a brave and loyal people, so often tried by dangers, and always supported under them by the Almighty, that the same Providence will vouchsafe to bless his arms, and restore to his subjects a safe and honourable peace, to the confusion of his enemies.

Stockholm, March 27, 1808.

MOTIVES OF THE SENATUS CONSULTUM ON THE CONSCRIPTION OF 1809, DECLARED BY REGNAUD DE ST. JEAN D'ANGELY.

Senators! when your wisdom called out the conscripts of 1808, your wishes were directed towards the peace which signal victories had prepared; you wished to en-

sure new means of conquering and purifying. The success surpassed your hopes; the flames of war are extinguished upon the continent; a durable peace has been sworn between the greatest sovereigns in the world, and Europe has time to breathe.

But there is a government to which the repose of Europe is despair, to which peace is terror, to which discord is necessity, and war, hope. England has replied to the offer of a generous mediation offered by the emperor of Russia, by carrying fire and the sword into the territories of his most ancient ally, by professing more solemnly contempt of the rights of nations, by proclaiming more inhumanly the principle of eternal war. The indignation of all sovereigns has replied to the injurious manifestoes, to the cunning declaration, to the barbarous acts of the cabinet of St. James's. The predictions which the orators of his majesty made to you in this tribune, a year ago, are realized. "It is", we said, "from the bosom of the continent, which England would set in a flame, that henceforth a terrible war shall be waged against her. It is by applying to her, on all the European shores, the principles she has applied on all seas, that we shall bring her back to the ancient principles of the law of nations and of civilized states. It is by exiling her ships from all the coasts where we have soldiers and allies, that the English ministry will be punished for their culpable refusal of giving peace to the world."

Such, senators, were the words we addressed to you in speaking of the conscription of 1808; and behold a sacred and powerful league is formed to punish the

English oligarchy, defend the rights of nations, and avenge humanity. From the Baltic to the Mediterranean, from the Nile to the Narva, but few points remain to the English ships where they can land, or where they are not forbidden to touch.

But it is not sufficient to have, by a just reciprocity, pronounced against England that dreadful sentence of outlawry; she must not be permitted to be at rest in the seat of her iniquitous domination, upon any of her coasts, in any of her colonies, under any points of the globe which are not yet interdicted to her. It is necessary that, repelled from one part of the world, menaced in all others, England should know not where to direct the little military force of which she has the disposal; and that our armies, more formidable than ever, should be ready to carry into her possessions our victorious and avenging eagles. Such, gentlemen, are the motives which have determined his majesty to demand a new conscription.

The levy of the preceding year has been, as you foresaw, the pledge of continental peace; the levy of this year will be the prelude of a maritime peace. The pillage of the arsenal and port of Copenhagen, the emigration of the Portuguese fleet, have not yet left the continent without ships.

Our legions can yet reach the English militia; Ireland may yet hope for succour against oppression; India may yet expect deliverers; and while our ancient phalanxes shall march to hasten the day of justice, new legions of young warriors shall be trained to discipline and to battle, under the paternal eye of those warlike magistrates, of those senator-gene-

rals, who with so happy a zeal have already formed brave men to replace those whom war has snatched from the country, or who have been restored to their families.

His majesty will have a superabundance of means to realize his pacific views, or to execute his warlike projects. To the formidable armies of his faithful allies, his majesty will unite, for common safety and triumph, so formidable a mass, that success will not long be doubtful.

So just a cause will not be in vain defended by so much force, and protected by so many powers. A league so imposing in its elements, so generous in its policy, so just in its object, so great in its means, will at length bring back our enemies to justice through fear, or to submission through victory.



REPORT OF THE MINISTER OF
FOREIGN AFFAIRS RELATIVE
TO PORTUGAL.

First Report, October 21, 1807.

There is no sovereign in Europe who does not acknowledge, that if his territory, his jurisdiction should be violated, to the detriment of your majesty, he would be responsible for it. If a French ship were seized in the port of Trieste or Lisbon, the government of Portugal and the sovereign to whom Trieste belongs would have to consider that violence and damage done to your majesty's subjects as a personal outrage; they could not hesitate to compel England by force to respect their territory and their

ports: if they adopted a contrary conduct, if they became accomplices of the wrong done by England to your subjects, they would place themselves in a state of war with your majesty.

When the Portuguese government suffered its ships to be visited by English ships, its independence was as much violated by its own consent, by the outrage done to its flag, as it would have been had England violated its territory and its ports.

The enemy ought to be placed in a state of interdict, in the midst of the seas of which he pretends to reserve to himself the empire. In this position, all powers could and ought to expect from each other a mutual support.

And at what moment did Portugal betray the cause of the continent? Ought England to expect still to have an ally, when, exercising her violence on every sea, she menaced the new world as well as the old; attacked, without any motive for aggression, the flag of the Americans, and dyed their own shores with their blood; when, scandalously famous by the disasters of Copenhagen, which she surprized in the midst of peace, she sought, in the pillage of her arsenals, for a few sad and bloody spoils?

But the scandal of this understanding between the Portuguese government and England may be traced to other times. When England meditated, in 1806, the rekindling in Europe that war which your majesty has so gloriously terminated, she sent a fleet to Lisbon. The ministers had conferences; time has developed the object and the result.

Have not the English squadrons, sent to the river Plata, touch-

ed at Janeiro? Did not the troops sent to Buenos Ayres and Monte Video receive provisions from the Brazils? These distant succours may have escaped the attention of Europe; but she saw Portugal receive and victual in her ports the English ships destined to blockade Cadiz, to attack Constantinople and Egypt; those which were to land troops in Naples, to stir up revolt; those which were to introduce English merchandize upon all the coasts of the Mediterranean, though Portugal knew that all the ports in the south were shut against them.

A French consul, whom Portugal had acknowledged and admitted to the exercise of his functions in the port of Faro, has been taken from his house by the intendant of the customs, sent to prison, taken out only to be exiled, and the Portuguese government refused for three months to repair that outrage.

Protestations of neutrality ill concealed this hostile conduct. The court of Lisbon should have explained itself without shuffling. Your majesty proposed to it to accede to the system of the continent; and had it done so, you would have forgotten every thing.

Far from deferring to your majesty's proposals, the Portuguese government had no other solicitude than that of informing the court of London, of tranquilizing England relative to her interests, of guaranteeing the safety of the English and of their property in Portugal. It had neither protected the French nor their commerce; the persons and trade of their enemies have continued free and favoured. Portugal promised to join the cause of the continent, even to declare war

against England; but she wished to make it, if I may use the expression, in concert with her, to furnish her, under the appearance of hostility, with the means of continuing her trade with Portugal, and through Portugal with the rest of Europe: a kind of war equivalent to a perfidious neutrality. Succours were demanded of England; and, to gain time, attempts were made to deceive your majesty by vain declarations; scruples were alleged upon some of the consequences of the war, when none were entertained upon war itself, which breaks all ties.

In vain did your majesty, deigning to condescend to these pretended scruples, modify your first demands: the same refusals were renewed, Portugal made promises, but delayed the execution under different pretexts. At one time, it was the prince of Beira, a child of twelve years, who was to be sent to the Brazils to defend that colony; at another time, it was a squadron expected from the Mediterranean, which it was wished to have in safety in the Tagus.

Thus Portugal, embarrassed by her own artifices, making with the court of London engagements, real and useful to the English; with France, vague and pretended engagements, waited for succours and advice from England, sought to delay the measures of the cabinet, and, humiliating herself before both, blindly committed to the chance of events the interests, perhaps the existence, of a nation, which unanimously desired her not to give them up to a power so fatal to all its allies.

The epoch which your majesty had fixed for the expected determination, which you had consented to prolong for a month, arriv-

ed: Portugal decided her own fate; she broke off her last connections with the continent, by reducing the French and Spanish legations to the necessity of quitting Lisbon.

Portugal has placed herself in a state of war with France, notwithstanding the benevolent disposition of your majesty towards her. War with Portugal is a painful but necessary duty. The interest of the continent, from whence the English ought to be excluded, forces your majesty to declare it. Longer delay would only place Lisbon in the hands of the English.

Second Report, Jan. 2d, 1808.

His excellency recalls to the recollection of his majesty how necessary were the active and vigilant measures which have been taken, and so well seconded by the rapidity of the march of the French troops. Portugal only sequestered the English goods, when the English were secure from that measure, which Portugal did not even affect to execute. She concerted her evasion with the English; and, a little while before we received the news of it, a courier had carried to Italy, where the emperor then was, new protestations of attachment to the common cause of the continent.

He announced the return of M. de Lema, who had quitted Lisbon, and the arrival of the ambassador extraordinary, M. de Marialva, probably the dupe, as was the courier, of the bad faith of her court.

Portugal is at length delivered from the yoke of England; your majesty occupies it with your troops; it had been left defence-

less on the sea side, and a part of the cannon on her coasts had been spiked. Thus England menaces her at present, blockades her ports, and would lay waste her shores. Spain has had fears for Cadiz; she has had fears for Cēuta. It is against that part of the world that the English appear to wish to direct their secret expeditions. They have embarked troops at Gibraltar; they have recalled from that quarter those which had been driven from the Levant, and a part of those which they had accumulated in Sicily. Their cruizers on the coast of Spain become more vigilant, and seem to wish to revenge upon that kingdom the reverses they have experienced in the Spanish colonies. All the peninsula deserves to fix particularly the attention of your majesty.

REPORT OF THE MINISTER OF
WAR ON THE MEASURES TA-
KEN BY FRANCE UNDER THE
PRESENT CIRCUMSTANCES.
6TH JANUARY, 1808.

Your majesty ordered me to form the first and second corps of observation of the Gironde. The first of these corps, commanded by general Junot, has conquered Portugal. The head of the second is ready to follow the first, if circumstances require it. Your majesty, whose vigilance is never at fault, wished the corps of observation of the ocean, confided to marshal Moncey, to be in the third line.

The necessity of shutting the ports of the continent against our irreconcilable enemy, and of having upon every point of attack considerable means, in order to profit

by any of the fortunate circumstances which may present themselves, to carry the war into the heart of England, Ireland, and the Indies, may render the levy of the conscription of 1809 necessary.

The party which rules at London has proclaimed the principle of eternal war; and the expedition to Copenhagen has revealed its criminal intentions. Though the indignation of all Europe has been excited against England, though at no period has France had such numerous armies, it is not sufficient; it is necessary that English influence should be attacked every where, where it exists, till the moment in which the sight of so many dangers shall induce England to drive from her councils the oligarchs who direct them, and to confide the administration to wise men, capable of conciliating the love and interest of their country with the love and interest of the human race.

A vulgar policy would have made your majesty disarm; but such a policy would be a scourge to France, and render imperfect the great results you have prepared. Yes, sire, your majesty, far from diminishing your arms, ought to augment them, till England shall have acknowledged the independence of all powers, and restored to the seas that tranquillity which your majesty has ensured to the continent. Undoubtedly your majesty must suffer in requiring from your people fresh sacrifices, and in imposing new obligations on them; but you ought also to yield to the cry of all the French.

No repose till the sea be free, and a just peace shall have re-established France in the most just,

the most useful, and the most necessary of her rights.



DOCUMENTS CONNECTED WITH
THE REVOLUTION IN PORTUGAL.

*His Majesty's Ship Hibernia, off
the Tagus, Nov. 29, 1807.*

SIR,

I have the honour of announcing to you, that the prince regent of Portugal has effected the wise and magnanimous purpose of retiring from a kingdom which he could no longer retain, except as the vassal of France, and that his royal highness and family, accompanied by most of his ships of war, and by a multitude of his faithful subjects and adherents, have this day departed from Lisbon, and are now on their way to the Brazils, under the escort of a British fleet. This grand and memorable event is not to be attributed only to the sudden alarm excited by the appearance of a French army within the frontiers of Portugal; it has been the genuine result of the system of persevering confidence and moderation adopted by his majesty towards that country, for the ultimate success of which I had in a manner rendered myself responsible; and which, in obedience to your instructions, I had uniformly continued to support, even under appearances of the most discouraging nature.

I had frequently and distinctly stated to the cabinet of Lisbon, that, in agreeing not to resent the exclusion of British commerce from the ports of Portugal, his majesty had exhausted the means

of forbearance; that in making that concession to the peculiar circumstances of the prince regent's situation, his majesty had done all that friendship and the remembrance of ancient alliance could justly require; but that a single step beyond the line of modified hostility, thus most reluctantly consented to, must necessarily lead to the extremity of actual war. The prince regent, however, suffered himself for a moment to forget that, in the present state of Europe, no country could be permitted to be an enemy to England with impunity, and that however much his majesty might be disposed to make allowance for the deficiency of the means possessed by Portugal of resistance to the power of France, neither his own dignity, nor the interests of his people, would permit his majesty to accept that excuse for a compliance with the full extent of her unprincipled demands. On the 8th instant his royal highness was induced to sign an order for the detention of the few British subjects, and of the inconsiderable portion of British property, which yet remained at Lisbon. On the publication of this order, I caused the arms of England to be removed from the gates of my residence, demanded my passports, presented a final remonstrance against the recent conduct of the court of Lisbon, and proceeded to the squadron commanded by sir Sidney Smith, which arrived off the coast of Portugal some days after I had received my passports, and which I joined on the 17th instant.

I immediately suggested to sir Sidney Smith the expediency of establishing the most rigorous blockade at the mouth of the Tagus; and I had the high satisfac-

tion of afterwards finding that I had thus anticipated the intentions of his majesty: your dispatches (which I received by the messenger Sylvester on the 23d) directing me to authorize that measure, in case the Portuguese government should pass the bounds which his majesty had thought fit to set to his forbearance, and attempt to take any farther step injurious to the honour or interests of Great Britain.

Those dispatches were drawn up under the idea that I was still resident at Lisbon; and though I did not receive them until I had actually taken my departure from that court, still, upon a careful consideration of the tenor of your instructions, I thought that it would be right to act as if that case had not occurred. I resolved, therefore, to proceed forthwith to ascertain the effect produced by the blockade of Lisbon, and to propose to the Portuguese government, as the only condition upon which the blockade could cease, the alternative (stated by you) either of surrendering the fleet to his majesty, or of immediately employing it to remove the prince regent and his family to the Brazils. I took upon myself this responsibility, in renewing negotiations after my public functions had actually ceased, convinced that, although it was the fixed determination of his majesty not to suffer the fleet of Portugal to fall into the possession of his enemies, still his majesty's first object continued to be the application of that fleet to the original purpose of saving the royal family of Braganza from the tyranny of France. I accordingly requested an audience of the prince regent, together with due assurances of protection

and security ; and upon receiving his royal highness's answer, I proceeded to Lisbon on the 27th, in his majesty's ship *Confiance*, bearing a flag of truce. I had immediately most interesting communications with the court of Lisbon, the particulars of which shall be fully detailed in a future dispatch. It suffices to mention in this place, that the prince regent wisely directed all his apprehensions to a French army, and all his hopes to an English fleet ; that he received the most explicit assurances from me that his majesty would generously overlook those acts of unwilling and momentary hostility to which his royal highness's consent had been extorted ; and that I promised to his royal highness, on the faith of my sovereign, that the British squadron before the Tagus should be employed to protect his retreat from Lisbon, and his voyage to the Brazils.

A decree was published yesterday, in which the prince regent announced his intention of retiring to the city of Rio de Janeiro until the conclusion of a general peace, and of appointing a regency to transact the administration of government at Lisbon during his royal highness's absence from Europe.

This morning the Portuguese fleet left the Tagus. I had the honour to accompany the prince in his passage over the bar. The fleet consisted of eight sail of the line, four large frigates, several armed brigs, sloops, and corvettes, and a number of Brazil ships, amounting, I believe, to about thirty-six sail in all. They passed through the British squadron, and his majesty's ships fired a salute of twenty-one guns, which was re-

turned with an equal number. A more interesting spectacle than that afforded by the junction of the two fleets has been rarely beheld.

On quitting the prince regent's ship, I repaired on board of the *Hibernia*, but returned immediately, accompanied by sir Sidney Smith, whom I presented to the prince, and who was received by his royal highness with the most marked and gracious condescension.

I have the honour to enclose lists of the ships of war which were known to have left Lisbon this morning, and which were in sight a few hours ago. There remain at Lisbon four ships of the line, and the same number of frigates, but only one of each sort is serviceable.

I have thought it expedient to lose no time in communicating to his majesty's government the important intelligence contained in this dispatch. I have therefore to apologize for the hasty and imperfect manner in which it is written. I have the honour to be, &c.

STRANGFORD.

The right hon. George Canning.

PROCLAMATION OF THE PRINCE
REGENT.

Having endeavoured, by all the means in my power, to maintain the neutrality hitherto enjoyed by my faithful and beloved subjects, and having exhausted my royal treasury, and made other sacrifices, proceeding even to the extremity of shutting the ports of my dominions against the subjects of my ancient royal ally, the king of Great Britain, thus exposing the commerce of my people to to-

tal ruin, and consequently suffering the greatest losses in the collection of the revenues of the crown; I find that troops of the emperor of the French and king of Italy (with whom I had united myself on the continent, in the hope of being free from further molestation) are actually marching into the interior of my kingdom, and are on their way to this capital; and desiring to avoid the fatal consequences of a defence, which would be more dangerous than profitable, serving only to occasion an effusion of blood dreadful to humanity, and to inflame the animosity of the troops which have entered this kingdom, under a declaration and promise that they will not commit any the smallest hostility; and knowing also that these troops are most particularly destined against my royal person, and that my faithful subjects would be under less apprehensions were I absent from this kingdom, I have resolved, for the welfare of my subjects, to retreat, with the queen my mother, and all my royal family, to my dominions in America, there to establish myself in the city of Rio de Janeiro until a general peace; and moreover, considering the importance of leaving the government of these kingdoms in that good order which is for their advantage and for that of my people (a matter which I am essentially bound to provide for), and having duly reflected on all the circumstances of the moment, I have resolved to nominate to be governor and regent of these kingdoms, during my absence, my truly beloved cousin, the marquis D'Abrantio Francisco da Cunha de Menezes, lieutenant-general of my forces; the principal Castro, one of my council, and a rigidor de

justicia; Petroda Meler Brennez, also of my council, who will act as president of my treasury during the incapacity of Luis de VasConcellose Seuzis (who is unable to fill that function at present, on account of illness); don Francisco de Noronka, president of the board of conscience and religious orders; and in the absence of any of them, the conde de Castro Mazim, grand huntsman, whom I have nominated president of the senate, with the assistance of the secretaries thereof; the conde de Sampayo; and in his absence, don Miguel Terira Forgaz; and my attorney-general, Jocco Antonio Saller de Mendenea; on account of the great confidence I have in them, and of the experience which they possess in matters of government; being certain that my people and kingdom will be governed and directed in such a manner that my conscience will be discharged, and that this regency will entirely fulfil its duty, so long as it shall please God that I shall be absent from this capital; administering justice with impartiality; distributing rewards and punishments as they may be merited. And these regents and administrators will farther hold this to be my pleasure, and fulfil my order in the form thus mentioned, and in conformity to the instructions signed by me, and accompanying this decree, which they will communicate to the proper departments.

THE PRINCE.

*Palace of the Ajunda, 26th
November, 1807.*

ADDITIONAL EDICT, OR PROCLAMATION, ISSUED BY THE PRINCE REGENT, PREVIOUS TO HIS EMBARKATION.

Instructions to which my royal decree of the 26th November, 1807, bears reference.

The governors whom I was pleased to nominate, by my royal decree of this present date, to govern these kingdoms during my absence, will have the usual oaths administered to them by the cardinal patriarch, and will attend with all solicitude, vigilance, and activity, in the administration of justice, distributing the same impartially, and maintaining a rigorous observance of the laws of this kingdom.

They will preserve to the natives all the privileges which had been granted to them by me and my royal predecessors.

The plurality of votes will decide on the reports the respective tribunals may lay before them, regulating themselves according to the laws and customs of the kingdom.

They will direct literary professions, offices of criminal and civil judicature and revenue, according to the forms heretofore practised by me.

They will protect the persons and properties of my loyal subjects, selecting for military occupations those who may be deemed worthy thereof.

They will endeavour to preserve to their utmost the tranquillity of this kingdom, to provide for the troops of the emperor of the French and king of Italy good quarters, and to supply them with every thing they may require, during their stay in this kingdom, averting all and every insult that may be perpetrated, and punishing with rigour any that may occur; maintaining always the good harmony which ought to be dis-

played to the armies of nations with whom we find ourselves united on the continent.

Should it by any occurrence happen, that any of the said governors are absent, a plurality of votes will elect a successor. I trust to your honour and virtue, that my people will not suffer inconveniences during my absence; and, should it be God's will that I should return shortly to my kingdoms, that I may meet every one contented and satisfied, reigning among them that good order and tranquillity which should exist among subjects who have rendered themselves so worthy of my paternal care.

THE PRINCE.

*Palace of our Lady of Ajunda,
on the 26th of Nov., 1807.*

DECREES OF THE FRENCH GOVERNMENT AT LISBON.

The governor of Paris, first aide-de-camp of his majesty the emperor and king, general in chief, in the name of his majesty the emperor of the French, king of Italy, &c., considering that, under the pretext of hunting or shooting, assassinations are daily committed; and it being the intention of the general in chief to cause the game to be destroyed in a regular manner, in places where it may be hurtful, decrees as follows:—

The carrying of fire arms, to hunt or shoot, in the kingdom of Portugal, is universally prohibited, and particularly in the districts reserved by the crown.

Every individual not in the service, who shall be found armed with a gun or pistols, hunting or shoot-

ing, without having obtained leave of general Delaborde, commandant of Lisbon, to do so, signed by him and corroborated with his seal, shall be considered as a vagrant and highway assassin, and tried as such by a military committee, which shall be organized for that purpose.

The council of regency, and the commissary of the French government, as well as the commandant general of Lisbon and the judges of all classes, are charged with the execution of the present decree.

Given at the palace of the headquarters in Lisbon, 4th December, 1807.

JUNOT.

Dec. 11. It is this day ordered, that French and Spanish money shall be currently received. It is also decreed, that no advance in price shall be made in the price of necessary articles of consumption, under very severe fines.

Dec. 12. Tavern keepers and sellers of wine and spirits are ordered to close their doors at 7 o'clock, upon all Portuguese or French soldiers.

Dec. 15. Notice is this day given, that French officers consider themselves as only in a state of garrison; and that they can require of the inhabitants nothing further than lodgings, fire, and light.

Dec. 18. The inhabitants are prohibited from meeting together, under penalty, if found with weapons, of suffering death.

Don Francisco de Teraneo y Llano, decorated by the emperor of all the Russias with the military order of St. George, lord of Zaratamo, in Biscay, lieutenant-general of the royal armies, governor and captain-general of the kingdom of Galicia, president of its royal court of justice, commissioner of the revenue of postage and turnpike dues in the same kingdom, and actual general of the army destined to act in this country, &c.

Citizens and inhabitants of the provinces between Douro and Minho and Tras-os-Montes, do not make yourselves uneasy. Remain quiet and undisturbed, in the confidence that the Spanish army which I command shall not disturb you in your laws, habits, and customs. Treat it with the sincere friendship due to its valour and humane character, and you, in return, will meet with the same friendship. I promise it to you, in the name of the king my master, who is as just as he is benevolent. As a general, vested with his arms, justice, and clemency, I shall be the faithful executor of his sovereign orders; they all tend to protect you, in the deplorable situation in which you are found on account of the absence of your sovereign, and to liberate you from the perfidious domination of the English, and from their ambitious policy, which has taught them to assume the appearance of your intimate friends, while they are bent on your destruction. Rest satisfied that all the measures of precaution, which are now adopted, are intended to improve your situation, to emancipate you from the disgraceful guardianship of the English government, which de-

SPANISH PROCLAMATION, ISSUED BY GENERAL TARANEO, ON HIS MARCHING SPANISH TROOPS INTO OPORTO.

ceives you, and to organize the political system. The time is already come, when you may understand the true interests of your native country; and uniting your will and your strength with our's, we can jointly avenge the injuries which the treacherous ferocity of the English has done to almost all the nations of Europe; when we can protect ourselves and guard against their machinations, and when you may enjoy the protection kindly offered you by his catholic majesty, my sovereign.

All I promise you shall be religiously fulfilled; and I assure you, on my word, that every Spanish soldier who renders himself guilty of pillage, or any other offence, shall be punished with all the rigour of the law; that every born subject or inhabitant of the kingdom of Portugal, who shall take part in any conspiracy or commotion against the Spanish army, shall be shot. The city, borough, or village from which a shot shall be fired against the Spanish troops, shall deliver up the offender, or remain responsible for his offence. In the same manner shall be bound the judge of the district or parish, in whose territory any individual of the Spanish army shall be killed, and such district or parish shall moreover pay treble the value of its annual produce, and four of the principal inhabitants shall be taken as hostages thereof.

It will afford me satisfaction, if I can be restrained from inflicting these punishments; and this satisfaction will be considerably increased, if I should perceive that the Portuguese and Spanish love each other, and that, so far from rendering themselves liable to punishment, they will by their vir-

tues make themselves worthy of reward.

FRANCISCO DE TARANEO.
Oporto, Dec. 13, 1807.

SECOND PROCLAMATION AT
OPORTO.

To the most illustrious chancellor and vice president of the court of justice, doctor Manoel Francisco da Silva Viegay Mavro de Moura, knight of the order of Christ, of the privy council of his royal highness, lord of the royal household, and judge of the aulic court, chancellor and director of the court of justice of Oporto, and of the districts belonging thereto:

The resolution which has been communicated to me, and which appears by a letter from his excellency the general in chief of his catholic majesty's troops, don Francisco de Taraneo (hereto annexed), being of the highest interest to this city, and important to its trade, I herewith ordain, that it shall be posted in the public places of this city; in order that, by virtue thereof, such measures be taken, as shall be best calculated to promote the public interest. Dated at Oporto, at the office of the secretary of justice, 16th December, 1807.

The following is a copy of the letter above referred to:

Honoured sir, His serene highness the prince of the peace, generalissimo and high admiral, has directed me, in order that no scarcity of provisions may be felt in Portugal, on account of the increased number of troops which now occupy the same, to cause

the trade in meat, and all sorts of provisions, to be encouraged in this kingdom, which ought, and now is considered as part of our territory, now separated from England, and having no supplies by sea.

I have, in obedience to such supreme injunctions, transmitted my orders to the provisional commandant-general of Galicia, to the intendant, the commissioners of the royal revenue, and other persons, directing that all the impediments and obstacles which have obstructed the neutral trade of the two nations be immediately removed.

I bring this to your lordship's notice, that it may be made known to the merchants and speculators, who will be encouraged to reconcile their private interests with those of the public, so that the advantageous ends may be obtained, which the Spanish government had in view, in framing its resolution. God preserve your lordship many years!

FRANCISCO DE TARANEO.

Oporto, 5th Dec., 1807.

PROCLAMATION OF JUNOT AT
LISBON.

*The Governor of Paris, First
Aide-de-Camp of his Majesty
the Emperor and King, General
in Chief, &c., &c.*

Inhabitants of the kingdom of Portugal!

Your interests have engaged the attention of his majesty the emperor and king, our master: all irresolution ought to disappear; the destinies of Portugal are brighten-

ing, and her future happiness is secured, because Napoleon the great has taken her under his omnipotent protection.

The prince of Brazil, by leaving Portugal, renounced all his rights and sovereignty over this kingdom. The house of Braganza has ceased to reign in Portugal; the emperor Napoleon wills, that this fine country shall be governed entirely in his name, by the general in chief of his army.

The task which this mark of the benevolence and confidence of my master imposes on me is of difficult execution; but I hope to perform it in a proper manner, supported as I am by the labour of the most intelligent men of this kingdom, and the kind disposition of its inhabitants.

I have formed a council of government to enlighten me with regard to the good which I must do, and perennial administrations shall be appointed, in order to point out to me the means of improving the administration, and establishing order and economy in the management of the public wealth. I shall order roads to be made, and canals formed, to facilitate communication, and to cause agriculture and national industry to flourish: two branches indispensably required for the prosperity of a country, which it will be easy to restore to a people, enlightened, persevering, and intrepid. The Portuguese troops, commanded by the most deserving of their chiefs, will soon form but one family with the soldiers of Marengo, Austerlitz, Jena, and Friedland; and no rivalry will exist between them, but that of valour and discipline. The public revenue, well managed, will secure to every person employed

in its administration the reward of his labour; and public instruction, that only source of the civilization of nations, shall be diffused through the different provinces; and Algarve and Upper Beira will also produce their Camoens. The religion of your forefathers, the same which we all profess, shall be protected by the same hand which restored it to the vast French empire, free from the superstition which disgraced it; justice shall be equally administered, freed from all delays and arbitrary proceedings which degrade it.

Public tranquillity shall no more be disturbed by daring highway robbers, the offspring of idleness; and should any incorrigible miscreants be found, an active police shall rid the country of them. No hideous beggars shall henceforth offend the eyes of the industrious inhabitant of this superb capital, nor of the interior of the country; workhouses shall be erected for that purpose, where the maimed poor shall find an asylum, and the idle be employed in labour necessary for his own maintenance and preservation.

Inhabitants of the kingdom of Portugal, be peaceful and without fear; repel the instigations of those who wish to lead you to rebellion, and who do not care how much blood is shed, provided it be the blood of the continent; confide implicitly in our exertions for your welfare; you will reap all its fruits. Should it be necessary, in the first moment, to make some sacrifices, they will be solely required to place the government in a proper condition to meliorate your fate; they are indispensibly necessary for the execution of the vast projects of the great Napoleon. His watchful

eyes are fixed on you, and your happiness is certain. He will love you as much as his French subjects; endeavour to deserve his favours by a respectful conduct and submission to his will.

Given in the palace, headquarters, in Lisbon, the 1st of February, 1808.

JUNOT.

PROCLAMATIONS OF JUNOT, AT LISBON.

In pursuance of his imperial majesty's decree, bearing date the 23d of December, 1807, in the name of his said majesty, we, the governor of Paris, first aide-de-camp of his imperial majesty, general in chief of the French army in Portugal, have decreed and do decree as follows:

Art. 1. An extraordinary war contribution of forty millions of crusades shall be levied on the kingdom of Portugal. The contribution of twelve millions of crusades, imposed and already discharged since the arrival of the French, shall be set off from the present contribution, and be accounted for by our receiver-general.

2. Towards the said extraordinary contribution, the merchants, bankers, and holders of rents and contracts in the kingdom of Portugal shall pay six millions of crusades, through the intervention of the board of trade, which is proportionally to divide the said sum on all the individuals, according to the fortune which they are known or supposed to possess; and this contribution shall be discharged in the following manner: the first third shall be paid the

10th of the month of March next ensuing; the second third shall be paid the 1st of May; and the third shall be paid the 1st of August.

3. All English manufactures being liable to confiscation on the sole ground of their origin, shall be ransomed by the merchants who possess the same, and who are at liberty to dispose thereof as they please, by paying one-third part of their value, according to their invoices. The said payment shall be made in three instalments, and at the periods fixed in the preceding article.

4. All gold and plate of all the churches, chapels, and fraternities of the city of Lisbon, and the district belonging thereto, shall be carried to the mint, and received by the treasurer thereof, under the inspection and direction of the director of the mint, within the term of fifteen days. In the churches no silver vessels shall remain, but such as are required for the decent observance of religious worship, and of those vessels a list shall be delivered, signed by the person or persons who are charged with the custody and management thereof. The person who carries the same to the mint shall receive from the treasury a receipt, in an authentic form, for the articles delivered. All persons convicted of fraud, either with regard to the declaration of the articles existing in such churches, or left there, or with respect to any like articles embezzled for their own use, shall be sentenced to pay four times the value of the article not declared or embezzled.

5. All the articles above mentioned, belonging to churches, chapels, and fraternities in the provinces, shall be delivered at the houses of the receivers of tithes,

within the term of fifteen days, on the same condition and penalties mentioned in the 4th article. The several receivers shall give authentic receipts for the same, and send the articles received to the mint in Lisbon, the treasurer of which is to give them a proper receipt for the same. The above receivers shall have an escort, if required.

6. The total amount of the value of the said articles shall be deducted from the present contribution.

7. All archbishops and bishops of the realm, all prelates and superiors of religious orders of both sexes, the regular and secular congregations which possess landed property, or capitals placed out on interest, shall contribute two-thirds of their annual produce, in case that the latter does not exceed 16,000 crusades; should it exceed 16,000 crusades, they shall contribute three-fourths of the said produce; they shall, however, all be exempted from the payment of tithes in the present year.

8. In fifteen days after the publication of the present decree, all prelates shall be bound to deliver to the secretary of state of the interior and of the finances, a correct return of their yearly income, which he shall cause to be examined and verified. And every person whose return shall be found incorrect shall be sentenced to pay double the amount of his contribution. The said fine shall be recovered out of the property of the offender by the readiest means of execution.

9. The first third part of this contribution shall be delivered at the office of the receiver-general of the contributions and public revenue of Portugal, within the term

of one month next ensuing the publication of the present decree, by the prelates above-mentioned residing in Lisbon; and within the term of six weeks, by those who reside in the provinces.

10. The second third part shall be delivered at the office within six months next ensuing the delivery of the first third, by such prelates as reside in Lisbon, and one month after the first delivery, by those who reside in the provinces.

11. The last one-third part shall be delivered at the said office one month after the delivery of the second, by those prelates who reside in Lisbon, and three months after the second delivery, by such prelates as reside in the provinces.

12. All persons who possess church livings of 600 to 900 milreis per annum, shall contribute two third parts of their annual income; and should such living exceed 900 milreis per annum, they shall contribute three-fourths of the annual produce; the payment thereof shall be made into the chest of the ordinary receiver of tithes of the district, under the inspection of the respective superintendants of tithes, who are to examine the said returns, and the same penalties shall be inflicted on the offenders.

13. The respective receivers of tithes shall, under the inspection and direction of the superintendants, deliver, within the shortest time possible, the amount of the sum by them received into the chest of the receiver-general of the public revenue and contributions of Portugal.

14. All the knights commanders of the three military orders, and of the order of Malta, shall contribute two-thirds of the produce of their commandories, in

the instalments and under the penalties above-mentioned, with regard to the prelates.

15. All the holders of the grants of the crown shall pay double the amount of the annual contribution which has hitherto been imposed on them. The payment and delivery thereof shall be made in the manner aforesaid.

16. All the proprietors of houses situated in Lisbon and in the district belonging thereto, shall contribute one moiety of the annual rent for which they have let, in case of their being let; and should the proprietors inhabit the said houses themselves, one moiety of the rent, to be determined by valuation. Payment and delivery thereof shall be made in the manner above mentioned, and under the same penalties. All proprietors of houses situated in other towns and boroughs of the kingdom are liable to the same contribution, payable in the same form, and under the same penalties.

17. All the proprietors of lands shall pay this year double the amount of the tithes imposed on them.

18. For all horses, mules, and servants, double the tax shall this year be paid which was laid on them by former regulations, and the amount of the said tax shall be paid at once.

19. All public buildings and establishments, which contribute towards the expenditure of the police, shall this year pay under the said contribution a sum equal to the amount thereof.

20. The sheriff shall, under the direction of the senate, make a proportional reduction of the contribution, on all the companies of mechanics and tradesmen, whe-

ther they keep open shops in public places or elsewhere, levying the sum assessed by prompt execution, applying them to the purpose intended, and giving proper receipts to those who have paid their quota of the contribution. The senate will cause the total amount thereof to be delivered into the chest of the receiver-general of the contributions and the public revenue of Portugal, every eight days, until it shall be entirely discharged.

21. The senate of the city of Oporto will cause the amount of the contribution to be levied in the same manner in the city of Oporto and in the district belonging thereto. And the said senate is further charged to compel all magistrates of all other places in the north to do the same, the northern provinces being in this case only subjected to the said senate.

22. The board of public welfare is to make, under the inspection of the royal exchequer, a similar requisition on such ships as shall be found without the jurisdiction of the senate, observing in point of payment and delivery the forms and penalties above mentioned.

23. The general in chief being desirous to indemnify the unfortunate inhabitants of Beira for what they have suffered from the march of the army through that province, orders, that the boroughs and villages situated between the Teio and the road of Satraterra, &c., shall be exempted from the payment of the two first thirds of the present contribution, and from the provisions contained in the 21st article. The boroughs and villages situated on the road to Lisbon shall enjoy the same exemption. Lands belonging to knights

commanders, to holders of grants of the crown, and to other persons, pointed out in the 7th article, shall not be included in the disposition of the present article.

24. The secretary of state of the interior and of the finances is charged with the execution of the present decree, which shall be printed and posted throughout the whole kingdom.

Given at the palace of headquarters, February 1st, 1808.

JUNOT.

In the name of his majesty, emperor of the French, king of Italy, the general in chief of the army of Portugal decrees :

All the regiments of militia in the provinces between Douro and Minho, Alem-Tejo, and the district of Setubal, shall be disbanded.

The colonels shall cause the arms belonging to the respective companies to be given up to the captains, who shall deposit them in the artillery magazines in the following order: at Oporto, for the province between Douro and Minho; at Elvas, for the province of Alem-Tejo; and at Setubal, for the province of Algarve, and the district of Setubal.

The commandant of artillery shall give receipts for them, and they shall be so classed as to be again selected and returned to their owners, whenever it may be deemed necessary.

All the arms arising from the disarming of the militia shall be deposited as above, within one month at farthest from the publication of the present decree.

The colonels of the militia, the captains, corregidores, &c., are personally responsible for any delay which may take place in the

collection and disposition of the said arms.

The secretary of state, minister of war, is charged with the execution of the present decree, which shall be printed and affixed in the public places. He shall appoint a superior officer in each province, to superintend and accelerate its execution.

Given at the palace of general quarters, at Lisbon, the 15th of February, 1808.

JUNOT.

DISSOLUTION OF THE KINGDOM
OF ETRURIA.

Florence, Dec. 4, 1807.

In pursuance of a convention between their majesties the emperor of the French and king of Italy, and the king of Spain, Tuscany has been ceded to his imperial majesty; and yesterday evening, the queen (to whom other states are to be assigned) departed hence with a train of between forty and fifty carriages, containing baggage and private property; after which the Etrurians were discharged from their oath of allegiance, and the government declared to be dissolved, by the following proclamation:

Charles Louis, infant of Spain, king of Etruria, &c., and on the part of his majesty, her majesty Maria Louisa, infanta of Spain, queen regent of Etruria.

Whereas his majesty the emperor of the French and king of Italy has informed us, that, by virtue of a treaty concluded with his catholic majesty, other states are appointed for us in exchange for the kingdom of Etruria, ceded to the most illustrious emperor by

the aforesaid treaty; we consider our reign in Etruria as dissolved from this day, and hence discharge the Etrurian nation from every oath of allegiance towards our royal person.

Yet we cannot separate from subjects so dearly beloved, without publicly assuring them of our entire gratitude, and of the memory which we shall at all times retain of the faithful attachment they have displayed during the time of our government.

Yet if there is a thought which can diminish our affliction at such a separation, it is this, that the kingdom of Etruria, that so obedient a nation, becomes subject to the happy government of a monarch who is adorned with the most heroic virtues, among which the constant care is pre-eminent with which he labours to assure the prosperity of the people under his authority.

MARY LOUISA.

Given the 10th of December, 1807.

NOTICE OF THE SECRETARY OF
STATE, CARDINAL CASSONI,
AT ROME.

February 2, 1808.

His holiness Pius VII, being unable to conform to all the demands made on him by the French government, and to the extent required of him, as it is contrary to his sacred duties, and the dictates of his conscience; and being thus compelled to submit to the disastrous consequences which have been threatened, and to the military occupation of his capital, in case he should not submit to such demands:

Yielding, therefore, in all hu-

mility of heart, to the inscrutable determinations of the Most High, he places his cause in the hands of the Almighty; and being unwilling to fail in the essential obligations of guaranteeing the rights of his sovereignty, he has commanded us to protest, and formally protests in his own name, as well as in that of his successor's, against any occupation whatever of his dominions, being desirous that the rights of the holy chair should remain, now and henceforward, uninjured and untouched. As the vicar on earth of that God of Peace who taught by his divine example humility and patience, he has no doubt but his most beloved subjects, who have given him so many repeated proofs of obedience and attachment, will make it their peculiar study to preserve peace and tranquillity, private as well as public, which his holiness exhorts, and expressly commands; and that, far from committing any excesses, they will rather respect the individuals of a nation, from whom, during his journey, and stay in Paris, he received so many flattering testimonies of devotion and regard.

DECREES OF THE SPANISH GOVERNMENT.

I.

Madrid, January 3, 1808.

The atrocious attack committed by English ships of war, in 1804, by the express order of that government, when four frigates of the royal fleet, which, sailing under the full assurance of peace, were unjustly surprised, attacked, and compelled to surrender, determined me to break all connection with the British cabinet, and to

consider myself as at war with a nation which had so iniquitously violated the laws of nations and of humanity. So atrocious an aggression was a sufficient motive for breaking all the bonds which unite one nation with another, even had I not considered what I owe to myself, to the honour and glory of my crown, and my beloved subjects. Two years of war have elapsed, and Great Britain has not moderated her pride, nor renounced the unjust dominion which she exercises over the seas; but, on the contrary, confounding at once friends, enemies, and neutrals, she manifested the formal intention of treating them all with the same tyranny. From these considerations I determined, in February last year, in conformity to the wise measures adopted by my intimate ally the emperor of the French and king of Italy, to declare, as I have declared, the British isles in a state of blockade, in order to see if that measure would reduce the British cabinet to abdicate its unjust supremacy over the seas, and conclude a solid and durable peace. Far from that, the English government has not only rejected the propositions which were made on the part of my intimate ally the emperor of the French and king of Italy, whether directly or by the mediation of different powers friendly to England, but also having committed the most enormous of atrocities and injuries, by its scandalous attack on the city and harbour of Copenhagen, it has thrown off the mask: and no person can any longer doubt that its insatiable ambition aspires to the exclusive commerce and navigation of the seas. Nothing can prove this more evidently than the measures which that government

has just adopted by its orders of the 14th of November last: by which it not only declares the coasts of France, Spain, and their allies, and all those occupied by the armies of either power, in a state of blockade, but has even subjected the ships of neutral powers, the friends, and even the allies of England, to the visits of English cruizers, and to be forcibly carried into an English port, where they are to be obliged to pay a tax on their cargoes, the quantity of which is to be determined by the English legislature. Authorized by a just right of reprisal to take measures which shall appear to me proper to prevent the abuse which the British cabinet makes of its power, with respect to neutral flags, and to see if we cannot force it to renounce so unjust a tyranny, I have resolved to adopt, and do hereby require there shall be adopted, in all my states, the same measures which have been taken by my intimate ally, the emperor of the French and king of Italy, and which are of the following tenor. [Here follows a copy of Bonaparte's decree of the 26th December.]

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II.

*To the Governor of the Council
ad interim.*

St. Lorenzo, Oct. 30, 1807.

C. R.

God, who watches over his creatures, does not permit the consummation of atrocious deeds, when the intended victims are innocent. Thus his omnipotence has saved me from the most unheard-of catastrophe. My people, my subjects, all know my

Christianity and settled habits. They all love me, and I receive from all of them proofs of their veneration, such as the conduct of a parent calls for from his children. I lived persuaded of this felicity, and devoted to the repose of my family, when an unknown hand discovered the most atrocious and unheard-of conspiracy, which was carried on in my own palace, against my person. My life, which has so often been in danger, was too long in the eyes of my successor, who, infatuated by prejudice, and alienated from every principle of Christianity that my paternal care and love had taught him, had entered into a project to dethrone me. Informed of this, I thought proper to inquire personally into the truth of the fact, and surprizing him in my room, I found in his possession the cypher of his correspondence, and of the instructions he had received from the vile conspirators.

In consequence of this discovery, I immediately convoked the governor and council, in order that they might make the necessary inquiries; and the result has been the detection of several malefactors, whose imprisonment I have ordered; as also the arrest of my son at his residence. This is an additional aggravation of the affliction I labour under; but, however painful to my feelings, it must be submitted to, as it is of the utmost importance to the suppression of such a conspiracy. At the same time that I direct the publication of this affair to my subjects, I cannot avoid expressing to them the regret by which I am agitated; but that regret will be alleviated by the demonstrations of their loyalty.

You will take the proper mea-

asures to have this decree circulated in due form.

CHARLES R.

By command of his majesty, I transmit this decree to your excellency, in order that it may be duly promulgated.

Signed by the ministers, and addressed to all viceroys, &c., &c.

III.

Madrid, November 5, 1807.

This day the king addressed the following decree to the governor *ad interim* of the council of Castile:

The voice of nature unnerves the arm of vengeance; and when the offender's want of consideration pleads for pity, a father cannot refuse listening to his voice. My son has already declared the authors of that horrible plan which has been suggested by the evil-minded. He has laid open every thing in a legal form, and all is exactly consistent with those proofs that are required by the law in such cases. His confusion and repentance have dictated the remonstrances which he has addressed to me, and of which the following is the chief:

SIRE AND FATHER,

I am guilty of failing in my duty to your majesty; I have failed in obedience to my father and my king. I ought to do nothing without your majesty's consent; but I have been surprized. I have denounced the guilty, and beg your majesty to suffer your repentant son to kiss your feet.

FERDINAND.

St. Laurent, Nov. 5.

MADAM AND MOTHER,

I sincerely repent of the great

fault which I have committed against the king and queen, my father and mother. With the greatest submission I beg your pardon, as well as for my obstinacy in denying the truth the other night. For this cause I heartily intreat your majesty to deign to interpose your mediation between my father and me, that he may condescend to suffer his repentant son to kiss his feet.

FERDINAND.

St. Laurent, Nov. 5.

In consequence of these letters, and the entreaty of the queen, my well-beloved spouse, I forgive my son; and he shall recover my favour, as soon as his conduct shall give proofs of a real amendment in his proceedings. I ordain also, that the same judges who have heard this cause from the commencement shall continue the process; and I allow them to conjoin others, as colleagues, if they shall find occasion. I enjoin them, as soon as it shall be finished, to submit to me their judgment, which shall be conformable to law, according to the magnitude of offences, and the quality of offenders. They ought to take for a basis, in reducing the heads of the accusation, the answers given by the prince to the interrogatories which he has undergone; they are copied, and signed by his own hand, as well as the papers also in his writing, which were seized in his bureaus. The decision shall be communicated to my councils and to my tribunals, and be circulated among my subjects, in order that they may acknowledge my compassion and my justice, and may alleviate the affliction into which they were thrown by my first decree; for in that they saw

the danger of their sovereign and their father, who loves them as his own children, and by whom he is beloved.

D. BARTHOLOME MUNOZ.

By the royal decree of the 30th of October, inserted in the circular letter which was addressed to you the 31st of the same month, his majesty has deigned to make known to his council, that his august person, thanks to the assistance of God, has been delivered from the catastrophe which threatened it.

On this subject the council has proposed to his majesty to allow it, as well as all the people and communities of the kingdom, to return thanks for this favour to the Omnipotent, by a solemn festival. His majesty having deigned to consent to the wish of his council, has resolved to give it immediate execution, and has determined to give the necessary orders for such a festival in the capital and its dependencies.

This order of council, with a view to its due execution, is hereby communicated to you, M. M. the archbishops, bishops, prelates, seculars, and regulars of the holy churches, desiring you to acknowledge to me the receipt of the present decree.

D. B. MUNOZ.

Madrid, Nov. 3, 1807.

OFFICIAL ACCOUNT OF THE DEPOSITION OF THE LATE KING OF SPAIN.

Madrid, March 19.

During the last four days, events have occurred which have shaken the throne. For six months past

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the public mind has been greatly agitated : some accused the prince of peace of having concerted with the queen to destroy the prince of Asturias ; others accused the prince of Asturias of being at the head of a party to dethrone his father. Solemn councils and long proceedings, followed up by exiles and violent acts, far from calming opinions, have agitated them still more.

On the 15th of March, a report was spread that the king, who was at Aranjuez, intended retiring to Seville ; that a great council, which was held at the palace, had so decided, but that opinions were divided ; that the queen and prince of peace wished to depart ; and that the prince of Asturias and his brother desired to remain. It was soon known, that the troops which were cantoned at Madrid had orders to leave it ; and a general uneasiness prevailed, when a proclamation from the king, on the 16th, restored tranquillity.

On the 17th, it was known that the Spanish guards had marched for Aranjuez, and that the two Swiss regiments only remained here. On this intelligence, every body repaired to the avenues of Aranjuez, crying to the soldiers, " Spaniards ! will you abandon your country ? Will you protect the flight of a prince who sacrifices his subjects, and who is going to introduce disorder in our colonies ? Have we as little spirit as the inhabitants of Lisbon ? "

On the 18th, the citizens repaired in crowds to Aranjuez. Relays of horses were already placed on the road to Seville ; the troops incumbered the town ; and the luggage of the court was packing up in all the apartments. The night of the 17th to the 18th was

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a night of tumult; the house of the prince of peace was protected by his guards, who had a private pass-word.

At four o'clock in the morning, the people crowded to the palace of the prince of peace, and were repulsed by his guards; the body guards espoused the cause of the people, and fell upon the prince's guards; the doors were forced open, the furniture broken, and the apartments devastated. The princess of peace ran to the staircase, and was conducted to the king's palace, with all the respect due to her birth and rank. The prince of peace disappeared. Don Diego Godoy, his brother, commander of the body guards, was arrested by his own guards.

The king and queen sat up all the night from the 17th to the 18th. The French ambassador arrived from Madrid at five o'clock of the morning, and instantly waited on their majesties.

The 18th, a proclamation from the king, granting the prince of peace a release from all his employments, and declaring that he took upon himself the command of his armies, was published at Aranjuez and at Madrid.

On the receipt of this intelligence, the people of Madrid again crowded to the house of the prince of peace, and to those of many of the ministers, in every one of which the furniture and windows were broken. Nobody opposed the tumult; the captain-general was bewildered; while the Swiss regiments remained cantoned in the barracks.

The tumult continuing to increase, the king thought proper, on the 19th, in the evening, to issue the decree subjoined; and on

the 20th the subjoined publication took place.

Royal Decree.

My habitual infirmities not permitting me to support any longer the important weight of the government of my kingdom; and having need, in order to re-establish my health, to enjoy private life in a more temperate climate, I have decided, after the most mature deliberation, to abdicate my crown in favour of my heir, my most beloved son, the prince of Asturias.

Consequently it is my royal will, that he be forthwith acknowledged and obeyed as king and natural lord of all my kingdoms and sovereignties; and that this royal decree of my free and spontaneous abdication may be exactly and directly fulfilled, you will communicate it to the council, and to all others to whom it may appertain.

I, THE KING.

Given at Aranjuez, the 19th March, 1808.

To Don Pedro Cevallos.

Edict.

Don Arias Antonio Mor y Velarde, Dean-Governor ad interim of the Council.

The king, our master, Ferdinand VII, communicates to me, by sundry orders I have just received, that his majesty has taken the resolution to confiscate immediately all the goods, chattels, effects, actions, and rights of don Manuel Godoy, wherever they may be found; to which end his majesty has taken all suitable measures to ascertain which goods be-

long to him. He has likewise taken the resolution to come shortly to this city to have himself proclaimed; but his majesty desires, first, that the people of Madrid, so devoted and so attached to his royal person, should give him proofs of calmness and tranquillity; assuring them, that he has given orders against don Manuel Godoy, his goods and revenues, which no longer belong to him; that his majesty thinks most seriously of repairing the wrongs done to his beloved subjects who have suffered for his cause; in fine, he will constantly watch, and take every measure capable of securing their happiness.

His majesty also makes known to me, that he has appointed his excellency the duke of Infantado colonel of his Spanish guards, conferring on him at the same time the presidency of Castile. The king, my master, desires also that the persons who have been confined, in consequence of the cause prosecuted at San Lorenzo, should return to his majesty's side. In order that this may be made known to all, and that the loyal people of Madrid may know how much the king toils for their happiness and welfare, he has ordered me to communicate it to you, which I do by the present.

DON ARIAS MOR.

Madrid, March 20, 1808.

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*The Council to the People of
Madrid.*

Nothing ought to disturb the public tranquillity in the happy moment of the elevation to the throne of Spain of the king Ferdinand VIIth. His faithful subjects

have given, in that happy hour, to his majesty proofs of their devotion and their affection. They ought not to doubt the affection which his majesty has for them, and that he will employ himself in acts for the public happiness, and for the accomplishment of the desires of the people of Madrid.

But what is most important to the success of the elevated views of his majesty is public order; and that this should be ensured, the council flatters itself that all the inhabitants of this faithful city will retire to their homes, and that they will remain in the most perfect tranquillity, persuaded that they will thus give to his majesty, in the first moments of his reign, the best testimony of the sincerity of their sentiments, and of those acclamations of fidelity which have been recently heard.

BARTHOLOMEW MUNOZ DE
TORRES,

*Secretary to his majesty's council,
&c.*

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FRENCH IMPERIAL DECREES.

*At our Royal Palace, at Milan,
December 17, 1807.*

Napoleon, emperor of the French, king of Italy, and protector of the Rhinish confederation:

Observing the measures adopted by the British government, on the 11th of November last, by which vessels belonging to neutral, friendly, or even powers the allies of England, are made liable, not only to be searched by English cruizers, but to be compulsorily detained in England, and to have a tax laid on them of so much per cent. on the cargo, to be

regulated by the British legislature :

Observing that by these acts the British government denationalizes ships of every nation in Europe ; that it is not competent for any government to detract from its own independence and rights, all the sovereigns of Europe having in trust the sovereignties and independence of the flag ; that if, by an unpardonable weakness, and which, in the eyes of posterity, would be an indelible stain, such a tyranny was allowed to be established into principles and consecrated by usage, the English would avail themselves of it to assert it as a right, as they have availed themselves of the tolerance of governments to establish the infamous principle, that the flag of a nation does not cover goods, and to give to their right of blockade an arbitrary extension, and which infringes on the sovereignty of every state ; we have decreed, and do decree, as follows :

Art. I. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or to a voyage to England, or that shall have paid any tax whatever to the English government, is thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its king, and to have become English property.

Art. II. Whether the ships thus denationalized by the arbitrary measures of the English government enter our ports or those of our allies, or whether they fall into the hands of our ships of war or of our privateers, they are declared to be good and lawful prizes.

Art. III. The British islands are declared to be in a state of block-

ade, both by land and sea. Every ship, of whatever nation, or whatsoever the nature of its cargo so may be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the present decree ; and may be captured by our ships of war or our privateers, and adjudged to the captor.

Art. IV. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have any effect with respect to all nations who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force as long as that government does not return to the principle of the law of nations, which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be abrogated and null, in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and of honour.

All our ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.

NAPOLEON.

By order of the emperor, the secretary of state,

H. B. MARET.

Circular Letter, addressed by the Minister of the Interior to the Chambers of Commerce.

You are not unacquainted, gentlemen, with the late acts of the British government, that last stage of the oppression of the commerce of the world; you know that it has resolved to destroy the feeble remains of the independence of the seas. It now thinks proper, that henceforth no ship shall navigate the seas without touching at its ports, without a tribute to its pretended sovereignty, and without receiving from it an ignominious licence.

Thus the ocean is henceforward only the field of slavery; the usurpation of the most sacred of the rights of nations is consummated; and this tyrannic yoke is to press upon them until the day of vengeance, or until, brought to a due sense of moderation, the English government will itself calm its rage, and break that sceptre to which the nations of the continent will never consent to submit.

I am calling our common attention to the important circumstances which must powerfully induce us to awaken your patriotism and your wisdom. One would have imagined, that every obstruction and restraint that clogged the course of the commerce on the continent had been exhausted; still, however, they are going to be aggravated by the measures lately adopted by England; but they will find our minds made up to struggle against, and to overcome, this new mode of oppression.

We must not shut our eyes to the consequences. Importation and exportation, already so much restricted, will soon be much more so. Every thing connected with maritime commerce; every thing that depends upon it, will now be liable to more difficulties, to more

uncertainty. There are, however, two channels that still remain open.

The power of attacking every ship that renounces the independence of its national flag, by a shameful submission to the British sovereignty, and by navigating under a British licence, will open a wide field to the hopes of our commanders. Such a resource will not prove ineffectual, and French commerce will not devote itself uselessly to that sort of warfare which never lets courage, dexterity, and decision go unrewarded.

We have moreover to hope that neutral ships will elude the vigilance of the English cruizers: the immense extent of the coasts of the empire will favour and protect their enterprizes.

These resources ought not to be undervalued, nor counted for nothing. France will submit to a temporary situation, which can only change with time, and with new exertions: but her enemy shall not deprive her of the main basis of her prosperity, her internal communication, her relations with the continent, where she no longer sees any but friends or allies; her soil will not be less fertile, her industry will not maintain itself the less, though deprived of some materials which it is not impossible to replace.

To this last proposition I am rather anxious, gentlemen, to direct your attention. You have advice to give, and examples to hold out to commerce. You must already foresee the effect of the privation of certain materials, more especially of cotton, and of ingredients for dyeing cotton, of which a quantity has been stored up in France; that which we shall derive from the

Levant, and that which, at a more distant period, we shall reap from our indigenous culture, not unsuccessfully essayed, will suffice to support, in a great measure, our manufactures; but in the expectation that some of them may experience privation, we must have recourse, as far as possible, to hemp and flax, in order to provide occupation for those manufacturers who would no longer be employed with articles of cotton. It were desirable that we could circumscribe our consumption within the products of the materials the growth of our soil, and restrain the unhappy effects of habits and taste contracted for manufactures that would render us dependent upon foreign countries.

The materials for dyeing may become scarce, but many of them may be replaced by the productions of our soil. We will dispense with the rest by a slight sacrifice of some colours, which may please from their apparent greater beauty, without adding any thing to the intrinsic goodness of the article. Besides, no small reliance is to be placed on the genius of our manufacturers; it will triumph over these difficulties.

The channels which, in spite of these usurpations, will remain open to importation, may not suffice for the consumption of sugar and coffee; these objects of a secondary utility may become scarce; but the great mass of the nation will not suffer from this temporary privation; habits of indulgence too widely indulged will be counteracted and restrained by the rise in the price.

And besides, is it to be supposed that the great nation will allow itself to be intimidated by the privation of some futile enjoyments?

Her armies have endured, without a murmur, the most pinching wants: that great example will not have been held out in vain; and when we have in view to reconquer the independence of the seas; when we have in view to rescue and redeem commerce from the ruinous acts of piracy that are juridically exercised against it; when we have in view the vindication of the national honour, and the breaking down of those *farce caudine* which England is attempting to erect upon our coasts, the French people will support, with the dignity and the courage that belong to their great character, the momentary sacrifices that are imposed upon their taste, their habits, and their industry.

The commerce of Europe will soon, no doubt, be rescued from oppression. The interests of nations; the honour of sovereigns; the magnanimous resolutions of the most powerful of the allies of France; the power and wish of the hero who rules over us; the justice of a cause to which Heaven will grant its protection: every motive concurs to decide the contest; nor can its issue remain uncertain. Accept, gentlemen, the assurance of my sincere esteem.

CRETET.

—
*At the Palace of the Thuilleries,
January 11, 1808.*

Napoleon, emperor of the French, king of Italy, &c. Upon the report of the minister of finances, seeing our decrees of November 23, and December 17, 1807, with the concurrence of our council of state, have decreed, and do decree as follows:

Art. I. Whenever a vessel shall have entered a French port, or that of a country occupied by our armies, any man of the crew, or a passenger, who shall declare to the principal of the custom-house, that the said comes from England or her colonies, or countries occupied by English troops, or that it has been visited by any English vessel, shall receive a third part of the produce of the net sale of the ship and cargo, provided his declaration be found correct.

II. The principal of the custom-house, who shall receive the declaration mentioned in the preceding article, shall, in conjunction with the commissary of police, who shall be called for that purpose, and the two principal of the custom-house officers of the port, cause each of the crew and passengers to undergo, separately, the interrogatory prescribed by the second article of our decree of the 23d November, 1807.

III. Any functionary or agent of government, who shall be convicted of having favoured the contravention of our decrees of the 23d of November and 17th December, 1807, shall be prosecuted in the criminal court of the department of the Seine, which shall be formed into a special tribunal for this purpose, and punished, if convicted, as if guilty of high treason.

IV. Our ministers are charged, each in his respective department, with the execution of the present decree.

NAPOLÉON.

—
Paris, January 23.

The conservative senate, assembled to the number of members prescribed by act 90 of the act of the

constitution of the 22d of Frimaire, year 8, having considered the project of the senatus consultum, drawn in the form prescribed by article 57 of the constitutional act of the 16th Thermidor, year 16; after having heard, on the motives of the said project, the orators of the council of state, and the report of the special commission nominated in the sitting of the 16th of this month; the adoption having been discussed with the number of voices prescribed by article 56 of the organic senatus consultum of the 18th of Thermidor, year 10, decrees as follows:

Art. I. Eighty thousand conscripts, of the conscription of the year 1809, are placed at the disposal of government.

II. They shall be taken from among the youths born between the 1st of January, 1789, and January 1st, 1790.

III. They shall be employed, should there be occasion, to complete the legions of reserve of the interior, and the regiments having their depots in France.

The present senatus consultum shall be transmitted to his imperial and royal majesty.

The president and secretaries,
CAMBACÈRES,
Arch-chancellor of the empire,
president.

T. HEDOUVILLE HERWYN,
Secretary.

Seen and sealed, the chancellor of the senate,

LA PLACE.

We require and command, that these presents, sanctioned by the seals of state, and inserted in the Bulletin des Loix, shall be addressed to the courts and tribunals and administrative authorities, that they may be inserted in their re-

spective registers, and caused to be observed; and our grand judge, the minister of justice, is charged to superintend the publication.

NAPOLEON.

By the emperor, the minister
secretary of state,

H. B. MARET.

Seen by us, the arch-chancel-
lor of the empire,

CAMBACERES.

—
By another decree of the conservatory senate, in the same form, the towns of Kehl, Wesel, Cassel, and Flushing are to be united to the French empire: Kehl to the department of the Lower Rhine; Cassel to the department of Mount Tonnere; Wesel to the department of the Roer; and Flushing to the department of the Scheldt.

==
DECREE OF THE DUTCH GOVERNMENT.

LOUIS NAPOLEON, &c.

Considering that every European nation ought to co-operate with all its might to the triumph of the cause of the continent, in a contest which will not be of long duration, and whose result is not doubtful:

Considering that our particular duty, as well as the dearest interests of our people, command us to accede in all points to the desires of his majesty the emperor of the French, our illustrious brother, and even to surpass his hopes:

Considering that the indemnity and relief which our kingdom has a right to demand and expect depend entirely upon the powerful intervention of France:

Considering, in fine, that however great the sacrifices hitherto made by this country may be, and however painful its situation, both under the relations of commerce and those of finance, it is of much greater interest to dissipate all the doubts that might exist with respect to our intentions, and to prove to Europe, in the most signal manner, our attachment, and that of our people, to the common cause, have decreed and do decree as follows:

Art. I. From the publication of the present decree, all the ports in our kingdom shall be shut against all ships, whatever be their denomination. Those only are excepted from this disposition (and provisionally till a new order), of which mention is made in the 2d article.

II. Armed ships of our allies are not included in the exclusion directed by the preceding article. They may enter and quit our ports, and bring in their prizes, by conforming to the ordonances issued relative to the entrance and departure of ships of war.

III. Ships of the allies or neutral powers, which may enter our ports, to avoid the danger of the sea, shall have no communication with the interior of our kingdom. They shall be subjected to quarantine, and be under the most severe superintendance. The commandant of the port shall make them put to sea as soon as the weather shall permit.

IV. Fishing-boats are under the direct superintendance of the civil and military authorities upon the coast. These authorities shall take care, on their responsibility, that no communication take place, by means of the fishermen, with

the enemy's ships and other ships. To that end, there shall be placed, as a sentinel, a soldier on board each fishing boat. On the return of the boat, the sentinel shall make his report of what has passed during the fishery, contrary to the dispositions of the present decree, and the owner of the boat and crew shall be prosecuted with all the rigour of the laws.

Given at Utrecht, 23d January, 1808.

LOUIS.

DOCUMENTS RELATING TO A
SECOND REVOLUTION IN SPAIN.

A Letter from the Count of Espeleta, captain-general of Catalonia, to his Excellency General of division Duheme, commanding in chief the army of observation of the Eastern Pyrenees.

Barcelona, 18th March, 1808.

SIR,

The troops in the citadel and forts of Monjui may consider the whole of this city as magazines, and all its provisions as theirs. They have no enemy to fear, nor any thing to expect, except in so far as having a common interest with the town and Spanish inhabitants. Your excellency occupied these fortresses, in the name of the emperor and king, as an ally; and, as such, the Spanish government consented to the occupation of them by your troops, with the greatest good faith and confidence. With the same sentiments, it has opened to you and the army under your command its treasures, its resources, and the bosoms of its families, in order to

afford to you a hospitable reception, and to share with you the food destined for its own use.

Military laws prescribed the mode of supplying garrisons, when it happens that they are either engaged in hostile operations or are besieged, or when a scarcity in the country is threatened, which obliges the general commanding to take precautions for the subsistence of his troops, by establishing depots. But, exclusive of these circumstances, this measure only serves to create suspicion and distrust. Neither my conduct, nor the constant moderation of my troops, nor the favourable reception the French army have met with, ought to excite alarm.

The town is provided with supplies of every description, as you will perceive from the annexed official statement of the intendant; and, even although there should be some deficiency, your excellency gives us the strongest assurance, that provisions are collecting at the ports of France, which are to be sent to this country, free of all duty.

His majesty the emperor and king, whose worthy name has inspired us with confidence, while his troops occupy our forts, being truly informed of our docility and honourable principles, will not be well pleased when he hears that you alarm this city with terrible forebodings, as a recompence for its constant submissive conduct.

Your excellency will please to request the opinion of his imperial majesty respecting your determination, before you carry it into effect, and to accompany your requests with this explanation of mine, as I shall lay the business before the king my master, without whose orders I cannot give to your

excellency what the forts in the possession of the Spanish troops have not.

If, before you receive the resolutions of the emperor, your excellency should find grounds for living with precaution, and under the influence of fear, in the forts which are at present to be considered as forming part of the town, then the measure you purpose might be resorted to with propriety. But, in the mean time, when no such necessity exists, I wish to impress on your mind, that it will serve no good purpose to supply the forts with stores of provisions; that such an intention is pointed and offensive; and that it will not be in the power of your excellency, or myself, to remedy the consequence of the sensation which such a measure may excite among the inhabitants.

Your excellency will be pleased to except of my most high consideration. May God preserve you many years!

COUNT OF ESPELETA.

—
Circular Address of the Council of Castile.

May 13th, 1808.

MOST FAITHFUL SPANIARDS!

You have for twenty years together obeyed, with unexceptionable loyalty, the august monarch of Spain; ever treading in the steps of your forefathers, you have made suitable returns to his paternal love, and shared the just concern which the council expressed to his majesty respecting his abdication on the day following that on which it took place. If we published his successor's accession to the throne, it was merely to comply with his

supreme commands. We would have long continued submissive and faithful to his majesty, if we had understood that his abdication and resignation of the crown was not accompanied with the requisite spontaneous freedom.

Ever since Charles IV made it known that this abdication had been forced from him, and that he deemed himself fully entitled to resume the crown, the board of government, the council of Castile, and the whole nation, have been anxiously waiting for the decision of a question of such high importance; and the council have examined with the greatest attention the documents upon which the powerful umpire who has been appointed for that purpose has grounded his determination. The most important of these are subjoined here, and, in the opinion formed by the council, they have the certainty that they have not deviated from that which the august party himself would have adopted, if less complicated circumstances had not opposed that concert. It is undoubtedly unfortunate, that the union of the fathers of this people has not yet taken place; but this misfortune will prove less distressing to their beneficent hearts, as the result of the late events hold out flattering hopes for the future, and the nation will shortly be enabled to proceed, with steady steps, in the career of her happiness and her prosperity.

These hopes begin to be realized, since the king has appointed, to supply his place in the government of these kingdoms, a prince who, without any other interest than that of Spain, already evinced by his beneficent and unremitting exertions at the head of his

army, devotes himself, with eagerness and the most suitable means, to whatever is conducive to her glory and felicity.

The board of government, which shares all the sentiments of the council, has viewed the crisis of the preceding events in the same light, and considers the determination adopted by the wisdom of the tribunal, and to which it subscribes without restriction, as the fulfilment of the irrevocable decrees of Providence, which never forsakes a religious people, attached to their sovereign and to the laws by which they are governed.

The principal documents quoted, and which the council had taken into consideration at the meeting held on the 6th instant, in the presence of their excellencies marquis Cabellero, don Fco. Gil, and Gonzalo O'Farril, members of the board of government, are the following ones:

Protest of Charles IV.

DEAREST BROTHER,

On the 19th of last month, I put into the hands of my son a decree of abdication. On the very same day I entered a solemn protest against the decree, which had been issued in the midst of wild commotions, and forced from me by the circumstance of that period. Now that tranquillity is restored; that my protest is in the hands of my august friend and faithful ally the emperor of the French, king of Italy; and it is notorious, that my son could not induce his imperial and royal majesty to acknowledge him in that capacity, I solemnly declare that the deed of abdication, which I subscribed on the 19th of last month, is null and

void in all its parts: and, therefore, it is my will that you should make it known to all my subjects, that their good king, who loves them, wishes to dedicate the remainder of his life to unremitted exertion for their happiness. I previously confirm in their situations the members of the present board of government, and all the civil and military officers who have been appointed ever since the 19th of March last. I intend to go and meet my august ally, the emperor of the French, king of Italy; after which I will send further orders to the board.

San Lorenzo, April 3, 1808.

I, THE KING.

To the supreme board of government.

Letter of his Majesty the Emperor of France to his Royal Highness the Prince of Asturias.

BROTHER,

I have received your royal highness's letter. The inspection of your royal father's papers must already have convinced you of the affection which I ever bore him: under the present circumstances, you will allow me to speak to your highness with frankness and candour. I entertained a hope that, upon my arrival at Madrid, I might persuade my illustrious friend to make some necessary reforms in his dominions, and in some degree to gratify the public opinion. The prince of peace's dismissal appeared to me requisite for his happiness and that of the people. The events in the north have retarded my journey. In the mean time the occurrences at Aranjuez have taken place. I do not set up for a judge

of what has happened, nor of the conduct of the prince of peace; but what I know is, that kings should never enure their subjects to shed blood, doing themselves justice. I pray to God that your royal highness may never experience it. It would not suit the interests of Spain that a prince who has married a princess of the royal family, and who has so long governed the kingdom, should be persecuted. He has no friends left; nor would your royal highness have any, if you should one day be unfortunate. The people gladly seize the opportunities of making themselves amends for the respect they show us. You cannot try the prince of peace; his crimes, if he were charged with any, ought to be buried in the rights of the throne. I have often expressed my wish that the prince of peace might be dismissed: if I have not been more urgent, it has been owing to my friendship for king Charles, from whose weak partiality I chose to turn my eyes.—Oh wretched humanity! imbecility and error; such is our motto! All this however may be reconciled: let the prince of peace be banished from Spain, and I offer him an asylum in France.

With respect to the abdication of Charles IV, it has taken place at a time when my armies occupied Spain; and Europe and posterity might believe that I have sent so many troops for the sole purpose of driving my friend and ally from the throne.

As a neighbouring sovereign, I am bound to inquire into what has taken place, previous to my acknowledging this abdication. I therefore wish to converse with your royal highness upon the subject. The caution with which I

have hitherto proceeded in these affairs, ought to convince you of the support you will find in me, if factions, of any description, ever disturb your reign.—When king Charles informed me of the events of October last, I was greatly concerned at them, and I flatter myself that I have contributed, by my suggestions, to their happy issue. Your royal highness should dread the consequences of popular commotions; some of my scattered soldiers may be assassinated, but such excesses could only bring ruin upon Spain. Your royal highness knows all the recesses of my heart; you may see that I am agitated by various ideas which want to be fixed. You may be certain, that, at all events, I will deal with you as I have done with your royal father: rely upon my wish to reconcile every thing, and to find opportunities to give you proofs of my affection and high regard.—And so I pray God may keep you, brother, under his holy and worthy protection.

NAPOLEON.

The royal council has subsequently received, under date of the 7th and 8th, the following royal address, royal decree, and order:

Royal Address.

Spaniards and beloved subjects!

Perfidious men are endeavouring to bring ruin upon you, and would fain supply you with arms, that you might turn them against the French troops, anxious reciprocally to stir you up against them, and them against you.—What would be the result of such sinister intentions? No other, without doubt, than the devastation

of Spain, and calamities of every description. The factious minds, from which I had so much to bear, are as yet in agitation; and, under circumstances equally important and critical, I am concerting matters with my ally, the emperor of the French, concerning whatever is connected with your happiness. But be sure not to listen to his enemies; they who exasperate you against France, thirst for your blood, and are either the enemies of our nation or the agents of England. If you hearken to them, you will occasion the loss of your colonies, the division of your provinces, and a long series of disturbances and evils to your country.

Spaniards! trust my experience, and submit to the authority which I hold from the Almighty and from my ancestors. Follow my example, and believe that the French, our ally, can alone save Spain, and make her happy.

Bayonne, in the imperial palace of government, May 4, 1808.

I, THE KING.

Letter enclosing the Royal Decree to his Imperial and Royal Highness (Murat).

BROTHER!

My absence and infirmities not allowing me wholly to dedicate myself to the unremitted exertions required for the government of states, the tranquillity of my kingdom, and the preservation of my crown, it has struck me, that I could do nothing better than to appoint a *locum tenens*, who, invested with the supreme authority which I hold from God and my ancestors, should govern and rule, for me and in my name, over all the provinces of Spain.

In consequence whereof, and having previously consulted the welfare of my people, and my wish to rescue the monarchy from the precipice into which the malevolent and the enemies of the peace of the continent were on the eve of plunging her; duly appreciating, on the other hand, the eminent virtues of which your imperial and royal highness has given us so many proofs, and the great services you have done us; I have resolved, with the consent and approbation of my great and faithful ally the emperor and king, upon appointing your imperial and royal highness my lieutenant-general, by the decree which I have just issued to the board of government, and which is here annexed; intreating you, prince, to transmit it to them, and to accept of this appointment, which will restore peace to my mind.—And so I pray God may keep you, brother, under his holy and worthy protection.

Bayonne, May 4, 1808.

CHARLES.

Appointment of the Grand Duke of Berg to the high dignity of Lieutenant-general of the Kingdom.

To the Supreme Board of Government.

Having deemed it proper to give the same direction to all the forces of my kingdom, with a view to the security of the property of individuals, and the maintenance of public tranquillity against both internal and external foes, I have thought it my duty, in order to attain that object, to appoint lieute-

nant-general of the kingdom our beloved brother the grand duke of Berg, who at the same time commands the troops of our ally the emperor of the French.

And, therefore, we command our supreme council of Castile and other councils, the chanceries, audiences, and justices of the kingdom, the captains-general and governors of our provinces and places, to bear him obedience, execute and enforce the execution of his orders and dispositions, such being our will, as likewise that, as lieutenant-general of the kingdom, he shall preside over the board of government. Let it be so understood for the due fulfilment of my present supreme determination.

Bayonne, imperial palace of government, May 4, 1808.

I, THE KING.

Order accompanying the Royal Decree and Address.

MOST ILLUSTRIOUS SIR,

The grand duke of Berg has directed me to transmit to the council, as I hereby do, the annexed royal decree of our lord king, Charles IV, issued at Bayonne, in the palace of government, and by which his majesty has been pleased to appoint lieutenant-general of the kingdom his imperial and royal highness the above named grand duke of Berg, that the same may be so understood by the council, and by them carried into execution, and circulated with all possible speed for the corresponding purposes.

I likewise send to the council, in compliance with the said grand duke's commands, the annexed address of our said lord king Charles

IV, in which he exhorts his subjects to submit to his dispositions for the security of Spain, the promotion of her happiness, and the preventing of the distractions and calamities with which she is threatened; that the council may also publish and circulate the said address. May God, &c.

SEBASTIAN PINUELA.

Palace, May 7, 1808.

To the Senior Member of the Council.

The whole having been read at the meeting held this day, in the presence of two members of the supreme board of government, his excellency don Gonzalvo O'Farril, and his illustriousness don Bernardo Iriarte, appointed for that purpose by his imperial and royal highness the grand duke of Berg; after deliberating upon the subject, and hearing the king's fiscals, it has been unanimously resolved, that the annexed royal decree and address shall be carried into execution, and communicated to all the captains-general, presidents, and regents of all the chanceries and audiences, governors, corregidores, intendants, ordinary justices, to the most reverend archbishops, reverend bishops, and the heads of the secular and regular clergy of the kingdom, that they may understand, execute, and procure the execution of the same, obeying and enforcing obedience to the orders and resolutions of his imperial and royal highness in his capacity of lieutenant-general of the kingdom, without opposing or suffering the same to be opposed, in any manner whatever.

Madrid, May 8, 1808.

[Duly registered.]

His excellency don Sebastian Pinuela communicated, on the 10th of May, to D. Arias Mon, senior member of the council and chamber, the royal order and enclosures, of which the following are copies :

MOST ILLUSTRIOUS SIR,

I send you, by his imperial and royal highness the grand duke of Berg, lieutenant-general of the kingdom, the annexed decree of Ferdinand VII, addressed to the supreme board of government, and enclosing a letter which he wrote to his august father, resigning the crown in his favour; and the revocation of the power given to the said board of government, most particularly charging the latter to submit to his said august father.

I likewise enclose you the letter which the same Ferdinand VII wrote to his imperial majesty the emperor of the French, upon the same subject, that the whole may be immediately published, printed, and circulated by the council.

I have this day delivered to my father a letter worded thus :

Sire, venerated father, sir, in order to give your majesty a proof of my love, obedience, and submission, and to comply with the wishes which your majesty has repeatedly expressed to me, I resign my crown in favour of your majesty, wishing that your majesty may enjoy it for a long series of years. I recommend to your majesty the persons who have served me ever since the 10th of March, fully relying upon the assurances which your majesty has given me on this head. May God, &c., &c.

Your majesty's most humble son,

FERDINAND.

Bayonne, May 6, 1808.

In consequence of this resignation of the crown in favour of my august father, I revoke all the powers with which I had invested the board of government, previous to my departure from Madrid, for the dispatch of the important and urgent business that might occur during my absence. The board shall obey the commands of our beloved father and sovereign, and shall enforce their execution throughout the kingdom. Before I conclude, I have to return thanks to the members of the board, to the constituted authorities, and to the whole nation, for their services to me, and to charge them most heartily to unite with my beloved father king Charles, and with the emperor Napoleon, whose power and friendship can, more than any thing else, secure to Spain her most valuable blessing, namely, her independence and the integrity of her territory. I also charge you not to suffer yourselves to be seduced by the artifices of our eternal enemies, to live together in perfect harmony, and to keep up a good understanding with our allies; and, lastly, to avoid the effusion of blood, and the misfortunes which would otherwise result from the present circumstances, if you should allow yourselves to be led away by the spirit of delusion and discord. Let it be so understood by the board, &c.

Bayonne, May 6, 1808.

FERDINAND.

To the infant Don Antonia.

SIR AND BROTHER,

I have the honour of sending to your imperial and royal majesty a copy of the letter which I intend to deliver to my august father, in which I abdicate the crown of Spain in favour of his majesty, in compliance with the wish which he this day expressed to me in the presence of your imperial and royal majesty.

I intreat your imperial and royal majesty to take under your protection my person, and that of my brother, the infant Don Carlos, and to guarantee the persons and properties of all my followers.

In this confidence I beg your imperial and royal majesty will accept of the assurances of the high consideration, &c.

FERDINAND.

Bayonne, 5th May, 1808.

The whole having been published in the council, it has been resolved that it should be carried into execution, and communicated to the captains-general, &c.

BARTOLOME MONOZ.

Madrid, May 10, 1808.

In consequence of the royal decree appointing the grand duke of Berg lieutenant-general of the kingdom, and his imperial royal highness having confirmed the members of all the tribunals in their respective places, the council has issued, under the same date, a royal decree, enjoining the impartial and speedy administration of justice, and directing stamp paper to bear the words, *government of the lieutenant-general of the kingdom.*

Madrid, May 20.

The Spanish monarch must, when the affairs of the north are

settled, make room for a member of the new dynasty. A lawful sovereign, a Bourbon, and master of one of the finest countries in Europe! how can he expect to be absolved, while such heavy charges can be preferred against him.

The king, the prince of Asturias, and their highnesses don Carlos and don Antonio, have renounced the crown, and all their rights to the same, as appears by the following documents:

I have thought it proper to give my beloved subjects the proof of my paternal love for them. Their happiness, the peace, prosperity, preservation, and integrity of the dominions which divine Providence had put under my government, have been, during my reign, the only object of my incessant solicitude. Whatever dispositions have been adopted ever since my accession to the throne of my ancestors, tended to that just end; nor could they tend to any other. At present, under the extraordinary circumstances in which I have been placed and see myself, my conscience, my honour, and the fair name which I leave to posterity, imperiously require from me, that the last act of my sovereignty should be exclusively directed to the prosperity, security, and integrity of the monarchy, the throne of which I relinquish; and to the greatest happiness of my subjects of both hemispheres.

And, accordingly, I have ceded to my ally and dear friend, the emperor of the French, all my rights in Spain and the Indies, having stipulated, that the crown of Spain and the Indies shall continue independent and entire, such as it has been under my dominion; and likewise, that our holy religion is to

be not only the established religion, but the only one professed throughout the territories of this monarchy. You are to understand it so, and to communicate the same to the other councils, to the tribunals of the kingdom, to the heads of the provinces, both military, civil, and ecclesiastic, and to all the justices of my kingdoms, that the last act of my sovereignty may come to the knowledge of all throughout my Spanish and Indian dominions, and that you and they may concur in carrying into execution the dispositions of my dear friend, the emperor Napoleon, whose aim is the maintenance of peace, friendship, and union between France and Spain, and the preventing of excesses and popular commotions, the effects of which are invariably found to be public calamities, the desolation of families, and the ruin of all.

Given at Bayonne, in the imperial palace of government, May 8, 1808.

I, THE KING.

*To the temporary governor of
my council of Castile.*

DON Fernando, prince of Asturias, and the infantes D. Carlos and D. Antonia, grateful for the love and constant fidelity which all the Spaniards have displayed towards them, are deeply concerned at seeing them, at present, a prey to confusion, and consequently threatened with the greatest calamities; and well knowing that, with the greatest part of them, this originates in their ignorance both of the motives of the conduct of their highnesses up to this moment, and of the plans which have been devised for the happiness of the country, they conceive it to be

their duty to give them the salutary information they stand in need of, not to impede their execution, and, at the same time, the clearest proof of the love which they bear them.

They are, therefore, under the necessity of making known to them, that the circumstances under which the prince, after the abdication of the king his father, assumed the reins of government, when many provinces of the kingdom and all the frontier towns were occupied by a great number of French troops, and upwards of 60,000 men of the same nation were stationed in the capital and its environs; that these circumstances, and several facts which could not be known to other persons, convinced their highnesses, that, surrounded with dangers, they had only to chuse the course which should be attended with fewest evils; in consequence of which they resolved upon setting out for Bayonne.

No sooner had their highnesses reached that town, than the prince (then king) unexpectedly found that the king, his father, had protested against his abdication, asserting it to have been forced from him; and, as the prince had *bona fide* believed it to have been voluntary, when he accepted the crown, he was induced by his filial love to restore it, as soon as he had ascertained that such a protest existed; and, shortly after, his father resigned it, in his name and that of his whole dynasty, in favour of the emperor of the French, that the latter, consulting the good of the nation, might select the person and dynasty who are to wear it for the future.

In this state of things, their royal highnesses taking into con-

sideration the situation in which they find themselves, and likewise the critical circumstances in which Spain is placed, and under which every attempt on the part of her inhabitants in support of their rights will not only be useless but fatal, as it will be attended with no other consequence than great bloodshed, and the infallible loss of at least great part of her provinces, and of the colonies beyond the seas; reflecting, on the other hand, that the respective concurrences of each of their highnesses in the cession of their rights to that throne, already made by their father, will prove greatly preventative of those calamities; observing also, that the emperor of the French binds himself, in his proposition, to preserve the independence and integrity of the Spanish monarchy, as well as of her ultramarine settlements, without reserving to himself or dismembering the least part of her territories; and further to maintain the purity of the catholic religion, private property, and the laws and usages of the country, which secures, for a long period of time, and in an infallible manner, the power and prosperity of the Spanish nation;

their royal highnesses think, that they give the most convincing proof of their generosity, of the love they bear the Spaniards, and of the grateful sense which they entertain of their attachment, by sacrificing, as far as in them lies, their personal interests to their advantage, and, for this purpose, adhering, as they have adhered by separate convention, to the cession of their rights to the throne.

In consequence whereof, they release the Spaniards from all their obligations in this respect, and exhort them to look to the common interest of the country, keeping quiet, and expecting their happiness from the wise dispositions and power of the emperor Napoleon; by their ready submission to which, they will give their prince and the two infants the strongest proof of their loyalty, as their highnesses give it to them of their paternal affection, by resigning all their claims, and disregarding their own interests to make them happy, which is the only object of their wishes.

I, THE PRINCE.

CARLOS.

ANTONI.

Bayonne, May 4, 1808.

AMERICAN STATE PAPERS.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A LETTER FROM THE SECRETARY OF STATE TO MR. MONROE, ON THE SUBJECT OF THE ATTACK ON THE CHESAPEAKE; ALSO, MR. MONROE'S CORRESPONDENCE WITH THE BRITISH GOVERNMENT, AND MR. MADISON'S CORRESPONDENCE WITH MR. ROSE ON THE SAME SUBJECT.

To the Senate and House of Representatives of the United States.

AT the opening of the present session, I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty, which could not be acceded to on our part; that instructions had consequently been sent to our ministers there to resume the negotiations, and

to endeavour to obtain certain alterations, and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake: the call on that government for reparation of this wrong produced, as congress have been already informed, the mission of a special minister to this country; and the occasion is now arrived, when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here between the secretary of state and Mr. Rose, the special minister charged with the adjustment of that difference; the instructions to our ministers for the formation of a treaty; their correspondence with the British commissioners, and with their own government on that subject; the treaty itself, and

written declaration of the British commissioners accompanying it; and the instructions given by us for resuming the negotiation, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the secretary of state, from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty, and of its several articles, may be fairly presented and understood.

Although I have heretofore, and from time to time, made such communications to congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France towards this country, yet, in our present critical situation, when we find that no conduct on our part, however impartial and friendly, has been sufficient to ensure, from either belligerent, a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which, for these reasons, I now lay before you, embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries, which have been transmitted through our minister there, or through any other accredited channel, since the last session of congress, to which time all information of the same kind had, from time to time, been given them. Some of these papers have already been submitted to congress; but it is thought better to offer them again, in order that the

chain of communications, of which they make a part, may be presented unbroken.

When, on the 26th February, I communicated to both houses the letter of general Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard to the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow-citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

TH. JEFFERSON.

March 22, 1808.

No. I.

From Mr. Madison to Mr. Monroe.

*Department of State, July 6,
1807.*

SIR,

The documents herewith enclosed, from No. 1 to No. 9 inclusive, explain the hostile attack, with the insulting pretext for it, lately committed near the capes of Virginia, by the British ship of war Leopard, on the American frigate Chesapeake. No. 10 is a copy of a proclamation issued by the president, interdicting, in consequence of that outrage, the use of our waters and every other accommodation to all British armed ships.

This enormity is not a subject for discussion. The immunity of a national ship of war from every species and purpose of search on the high seas, has never been contested by any nation. Great Britain would be second to none in resenting such a violation of her rights. She may bring the case to the test of her own feelings, by supposing, that instead of the customary demand of our mariners serving compulsively even on board her ships of war, opportunities had been seized for rescuing them, in like manner, whenever the superiority of force or the chance of surprise might be possessed by our ships of war.

But the present case is marked by circumstances which give it a peculiar die. The seamen taken from the *Chesapeake* had been ascertained to be native citizens of the United States, and this fact was made known to the bearer of the demand, and doubtless communicated by him to his commander previous to the commencement of the attack. It is a fact also, affirmed by two of the men, with every appearance of truth, that they had been impressed from American vessels into the British frigate, from which they escaped; and by the third, that, having been impressed from a British merchant ship, he had accepted the recruiting bounty under that duress, and with a view to alleviate his situation, till he could escape to his own country; and that the attack was made during a period of negotiation, and in the midst of friendly assurances from the British government.

The printed papers herewith sent will enable you to judge of the spirit which has been roused by the occasion. It pervades the

whole community; is abolishing the distinctions of party; and, regarding only the indignity offered to the sovereignty and flag of the nation, and the blood of citizens so wantonly and wickedly shed, demands in the loudest tone an honourable reparation.

With this demand you are charged by the president. The tenor of his proclamation will be your guide in reminding the British government of the uniform proofs given by the United States, of their disposition to maintain faithfully every friendly relation; of the multiplied infractions of their rights by British naval commanders on our coasts and in our harbours; of the inefficacy of reiterated appeals to the justice and friendship of that government; and of the moderation on the part of the United States, which reiterated disappointments had not extinguished; till at length no alternative is left, but a voluntary satisfaction on the part of Great Britain, or a resort to means depending on the United States alone.

The nature and extent of the satisfaction ought to be suggested to the British government, not less by a sense of its own honour than by justice to that of the United States. A formal disavowal of the deed, and restoration of the four seamen to the ship from which they were taken, are things of course, and indispensable. As a security for the future, an entire abolition of impressments from vessels under the flag of the United States, if not already arranged, is also to make an indispensable part of the satisfaction. The abolition must be on terms compatible with the instructions to yourself and Mr. Pinkney on this subject; and, if possible, without the authorized

rejection from the service of the United States of British seamen who have not been two years in it. Should it be impossible to avoid this concession on the part of the United States, it ought, as of itself more than a reasonable price for future security, to extend the reparation due for the past.

But, beyond these indispensable conditions, the United States have a right to expect every solemnity of form, and every other ingredient of retribution and respect, which, according to the usage and the sentiments of mankind, are proper in the strongest cases of insult to the rights and sovereignty of a nation. And the British government is to be apprized of the importance of a full compliance with this expectation to the thorough healing of the wound which has been made on the feelings of the American nation.

Should it be alleged as a ground for declining or diminishing the satisfaction in this case, that the United States have themselves taken it by the interdict contained in the proclamation, the answer will be obvious. The interdict is a measure, not of reparation, but of precaution, and would besides be amply justified by occurrences prior to the extraordinary outrage in question.

The exclusion of all armed ships whatever from our waters, is in fact so much required by the vexations and dangers to our peace experienced from their visits, that the president makes it a special part of the charge to you, to avoid laying the United States under any species of restraint from adopting that remedy. Being extended to all belligerent nations, none of them could of right complain, and with the less reason, as

the policy of most nations has limited the admission of foreign ships of war into their ports, to such numbers as, being inferior to the naval force of the country, could be readily made to respect its authority and laws.

As it may be useful, in enforcing the justice of the present demand, to bring into view applicable cases, especially where Great Britain has been the complaining party, I refer you to the ground taken and the language held by her, in those of Falkland's Island and Nootka Sound, notwithstanding the assertion by Spain, in both cases, that the real right was in her, and the possessory only in Great Britain. These cases will be found in the Annual Registers for 1771 and 1790, and in the parliamentary debates for those years. In the latter you will find also two cases referred to, in one of which the French king sent an ambassador extraordinary to the king of Sardinia, in the most public and solemn manner, with an apology for an infringement of his territorial rights in the pursuit of a smuggler and murderer. In the other case, an ambassador extraordinary was sent by the British government to the court of Portugal, with an apology for the pursuit and destruction, by admiral Boscawen, of certain French ships on the coast of this last kingdom. Many other cases, more or less analogous, may doubtless be found; see, particularly, the reparation by France to Britain, for the attack on Turk's Island, in 1764, as related in the Annual Register, and in Smollet's continuation of Hume, vol. 10; the proceedings in the case of an English merchantman, which suffered much

in her crew and otherwise, from the fire of certain Spanish xebecs cruising in the Mediterranean; and the execution of the lieutenant of a privateer, for firing a gun into a Venetian merchantman, which killed the captain, as stated in the Annual Register for 1781, page 94. The case of an affront offered to a Russian ambassador in the reign of queen Ann, though less analogous, shows, in a general view, the solemnity with which reparation is made for insults having immediate relation to the sovereignty of a nation.

Although the principle which was outraged in the proceedings against the American frigate is independent of the question concerning the allegiance of the seamen taken from her, the fact that they were citizens of the United States, and not British subjects, may have such an influence on the feelings of all, and perhaps on the opinions of some unacquainted with the laws and usages of nations, that it has been thought proper to seek more regular proofs of their national character than were deemed sufficient in the first instance. These proofs will be added by this conveyance, if obtained in time; if not, by the first that succeeds.

The president has an evident right to expect from the British government, not only an ample reparation to the United States, in this case, but that it will be decided without difficulty or delay. Should this expectation fail, and, above all, should reparation be refused, it will be incumbent on you to take proper measures for hastening home, according to the degree of urgency, all American vessels remaining in British ports;

using for the purpose the mode least likely to awaken the attention of the British government. Where there may be no ground to distrust the prudence or fidelity of consuls, they will probably be found the fittest vehicles for your intimations. It will be particularly requisite to communicate to our public ships in the Mediterranean the state of appearances, if it be such as ought to influence their movements.

All negotiation with the British government, on other subjects, will of course be suspended until satisfaction on this be so pledged and arranged, as to render negotiation honourable. Whatever be the result or the prospect, you will please to forward to us the earliest information.

The scope of a proclamation will signify to you that the president has yielded to the presumption that the hostile act of the British commander did not pursue the intentions of his government. It is not indeed easy to suppose that so rash and so critical a step should have originated with the admiral; but it is still more difficult to believe, that such orders were prescribed by any government, under circumstances such as existed between Great Britain and the United States.

Calculations founded on dates are also strongly opposed to the supposition, that the orders in question could have been transmitted from England. In the same scale are to be put the apparent and declared persuasion of the British representative, Mr. Erskine, that no orders of hostile spirit could have been issued or authorized by his government; and the coincidence of this assur-

ance with the amicable professions of Mr. Canning, the organ of the new administration, as stated in the dispatch of April 22d, from yourself and Mr. Pinkney.

Proceeding on these considerations, the president has inferred that the justice and honour of the British government will readily make the atonement required; and, in that expectation, he has forborne an immediate call of congress, notwithstanding the strong wish which has been manifested by many, that measures depending on their authority should without delay be adopted. The motives to this forbearance have, at the same time, been strengthened by the policy of avoiding a course which might stimulate the British cruisers, in this quarter, to arrest our ships and seamen now arriving, and shortly expected in great numbers from all quarters. It is probable, however, that the legislature will be convened in time to receive the answer of the British government on the subject of this dispatch, or even sooner, if the conduct of the British squadron here, or other occurrences, should require immediate measures beyond the authority of the executive.

In order to give the more expedition and security to the present dispatch, the *Revenge* is specially employed; and Dr. Bullus is made the bearer, who was on board the *Chesapeake*, on his way to a consulate in the Mediterranean, and will be able to detail and explain circumstances which may possibly become interesting in the course of your communications with the British government.

The vessel, after depositing Dr. Bullus at a British port, will pro-

ceed with dispatches to a French port, but will return to England with a view to bring the result of your transactions with the British government. The trip to France will afford you and Mr. Pinkney a favourable opportunity of communicating with our ministers at Paris, who, being instructed to regulate their conduct on the present occasion by the advices they may receive from you, will need every explanation that can throw light on the probable turn and issue of things with Great Britain.

I have the honour to be, &c.,

JAMES MADISON.

No. II.

Correspondence between Mr. Monroe and Mr. Canning, in relation to the attack on the Chesapeake, with Mr. Monroe's letters to the Secretary of State on the same subject.

(PRIVATE.)

*Foreign Office, Saturday
July 25, 1807.*

Mr. Canning presents his compliments to Mr. Monroe, and, with sentiments of the deepest regret, hastens to inform him, that intelligence has just been received of a transaction which has taken place off the coast of America, between a ship of war of his majesty, and a frigate belonging to the United States; the result of which has been the loss of some lives on board the American frigate.

The particulars of this transaction, and the grounds of the justification of the British officer, and of the admiral under whose orders he acted, Mr. Canning is not at

present able to communicate to Mr. Monroe.

If Mr. Monroe should have received any accounts of it, Mr. Canning trusts that he will lose no time in communicating them to Mr. Canning.

But, whatever the real merits and character of the transaction may turn out to be, Mr. Canning could not forbear expressing without delay the sincere concern and sorrow which he feels at its unfortunate result; and assuring the American minister, both from himself and on the behalf of his majesty's government, that if the British officers should prove to have been culpable, the most prompt and effectual reparation shall be afforded to the government of the United States.

James Monroe, Esq., &c., &c.

To Mr. Canning.

Mr. Monroe presents his compliments to Mr. Canning, and is much obliged to him for the information communicated in his note of Saturday. Mr. Monroe has heard with extreme regret the account it contains of a rencontre between a British ship of war and an American frigate, off the coast of the United States. He has no knowledge of the subject except what Mr. Canning's note has furnished, but will not fail to communicate the earliest intelligence which he may receive of an event so deeply to be lamented. Mr. Monroe derives in the mean time much satisfaction from the friendly assurance of Mr. Canning, that this unfortunate occurrence was not authorized by his majesty's government, and that suitable reparation will be made for the in-

jury, if, on inquiry, the British officer shall be found the aggressor.

Portland Place, Monday,

July 27, 1807.

*The right hon. George Canning,
&c., &c., &c.*

To Mr. Canning.

Portland Place, July 29, 1807.

SIR,

Although I have no instruction from my government on the subject, it is my duty to request the attention of his Britannic majesty's government to the late aggression on the sovereignty of the United States of a very extraordinary nature. The circumstances of the transaction are too distinctly marked to leave any doubt of the extent of the outrage, or of the reparation which it obviously claims. By accounts which are entitled to full confidence, it appears, that, on the 23d of June last, his majesty's ship *Leopard* attacked an American frigate off the coast of the United States, with a view to assert and enforce the unfounded and most unjustifiable pretension to search for deserters, and, after having killed and wounded a number of her men, entered on board, and carried away forcibly several of the crew.

The conduct of the British officer, which in itself forms an act of complete hostility, is rendered more reprehensible from the consideration that just before this aggression he held a station within the jurisdiction of the United States, in the waters of the Chesapeake, where, while he enjoyed the rights of hospitality, he projected this attack against the ship of a neutral power, whose commander, relying on the good faith

of his majesty's government, and the friendly relations subsisting between Great Britain and the United States, could not have suspected the design. I might state other examples of great indignity and outrage, many of which are of recent dates, to which the United States have been exposed off their coast, and even within several of their harbours, from the British squadron; but it is improper to mingle them with the present more serious cause of complaint. I have called your attention to this subject, in full confidence that his majesty's government will see, in the act complained of, a flagrant abuse of its own authority, and that it will not hesitate to enable me to communicate to my government, without delay, a frank disavowal of the principle on which it was made, and its assurance that the officer who is responsible for it shall suffer the punishment which so unexampled an aggression on the sovereignty of a neutral nation justly deserves.

I have the honour to be, with great consideration, sir, your obedient servant,

JAMES MONROE.

*The right hon. George Canning,
&c.*

From Mr. Canning.

Foreign Office, Aug. 3d, 1807.

SIR,

I have the honour to acknowledge the receipt of your official note of the 29th ult., which I have lost no time in laying before the king.

As the statement of the transaction to which this note refers is not brought forward either by the authority of the government of the United States or with any precise

knowledge of the facts on which it is founded, it might have been sufficient for me to express to you his majesty's readiness to take the whole of the circumstances of the case, when fully disclosed, into his consideration, and to make reparation for any alleged injury to the sovereignty of the United States, whenever it should be clearly shown that such injury has been actually sustained, and that such reparation is really due.

Of the existence of such a disposition on the part of the British government, you, sir, cannot be ignorant: I have already assured you of it, though in an unofficial form, by the letter which I addressed to you on the first receipt of the intelligence of this unfortunate transaction; and I may perhaps be permitted to express my surprize, after such an assurance, at the tone of that representation which I have just had the honour to receive from you.

But the earnest desire of his majesty to evince, in the most satisfactory manner, the principles of justice and moderation by which he is uniformly actuated, has not permitted him to hesitate in commanding me to assure you that his majesty neither does, nor has at any time maintained the pretension of a right to search ships of war, in the national service of any state, for deserters.

If therefore the statement in your note should prove to be correct, and to contain all the circumstances of the case upon which complaint is intended to be made, and if it shall appear that the act of his majesty's officers rested on no other grounds than the simple and unqualified assertion of the pretension above referred to, his majesty has no difficulty in disa-

vowing that act, and will have no difficulty in manifesting his displeasure at the conduct of his officers.

With respect to the other causes of complaint (whatever they may be), which you hinted at in your note, I perfectly agree with you in the sentiment which you express, as to the propriety of not involving them in a question which is of itself of sufficient importance to claim a separate and most serious consideration.

I have only to lament, that the same sentiment did not induce you to abstain from alluding to these subjects, on an occasion which you were, yourself, of opinion, was not unfavourable for pursuing the discussion of them.

I have the honour to be, with great consideration, sir, your most obedient humble servant,

GEORGE CANNING.

James Monroe, Esq., &c.

Mr. Monroe to the Secretary of State of the United States.

London, August 4th, 1807.

SIR,

I avail myself of the opportunity afforded by Mr. Biddle, to communicate to you a copy of a correspondence, and the substance of a conference, between Mr. Canning and myself, relative to the late aggression on the peace and sovereignty of the United States, by the British ship *Leopard*, in an attack on the *Chesapeake*, off the capes of Virginia.

Mr. Canning's private letter of July 25, which gave the first intelligence of the occurrence, left it doubtful whether the British officers had been culpable in it; and as I knew how very reprehensible

their conduct had been on our coast, on many other occasions, and to what height the sensibility of our citizens had been excited by it, I thought it not improbable that something might have occurred to divide the blame between the parties. It was under that impression that my answer was written. On the next day the leading features of the transaction were presented to the public, through the medium of the gazettes, which were taken from private accounts received directly from Halifax, by a vessel which had been dispatched by admiral Berkley with the official one. By these it was evident that the British officer was completely the aggressor, in an outrage of great enormity, attended with circumstances which increased the offence. It was understood likewise, from good authority, that the official intelligence which the government had received corresponded with and confirmed the other accounts already before the public.

On full consideration of these circumstances, I concluded that it would be highly improper for me to leave the affair on the ground on which Mr. Canning had placed it. I could see no other motive in him to obtain further information relative to the transaction, than for the purpose of ascertaining whether the men said to be deserters, and for whom the attack was made, were American citizens or British subjects; to which it was impossible for me to give any countenance. I thought it indispensable therefore to call on the government to disavow the principle, and to engage such other reparation to the United States, as their injured honour obviously required. It appeared to me, that any delay in taking that step which depended

on an abstract principle, and required no argument to illustrate, or facts to support it, would have a tendency to weaken a claim which was unquestionable, and to countenance the idea that it would not be supported with suitable energy.

I had, before the knowledge of this event, obtained the appointment of an interview with Mr. Canning on other business, to take place on the 29th ult. We met according to the appointment: I observed, in opening the conference, that, although the topics which had brought us together were important, the late occurrence at the entrance of the Chesapeake had in a great measure put them out of sight. He expressed his regret that such an event, which would at all times furnish cause of concern, should have happened at the present time. He asked if the men in question were American citizens or British subjects? I replied that that was a point which could not come into view in the case; that it was one which, according as the fact might be, would make the cause more or less popular in either country, but could not affect the principle; that on principle, a ship of war protected all the people on board, and could not be entered to be searched for deserters, or for any purpose, without violating the sovereignty of the nation whose flag she bore; that in the present case I had been assured, that the men were American citizens, and that the British minister at Washington had been made acquainted with it. He said little on the subject, but by the tendency of what he did say, seemed to imply that his government could not lose sight of the consideration above

alluded to, nor indeed did he admit, by any thing that escaped him, that the abstract principle itself would not be insisted on. His remarks however were generally of a conciliatory and friendly character: without pledging himself on any point, he seemed desirous to satisfy me, that no new orders had been issued by the present ministry to the commandant of the British squadron at Halifax. I observed, that as the notes which had passed between us were informal, and on a very limited view of the subject on my part, it would be proper for me, now that the circumstances were better known, to present him an official note on it: he admitted the propriety of it.

I then drew Mr. Canning's attention to the subjects on which I had asked the interview: being the case of the *Impetueux*, captain Love's correspondence, the conduct of capt. Douglas, and of the British squadron generally on our coast. I observed that I had heretofore postponed any official communication on these points, from a desire to connect them with the greater objects depending between our governments, and of course from motives the most friendly; that I brought them to his view at this time, in consequence of Mr. Pinkney and myself having commenced the other business, as he knew had been done: he promised to attend to them.

On the 29th July, I wrote Mr. Canning the note which I had promised him in the late interview. I addressed it in terms which I thought suitable to the occasion, observing to state in it, that I took the step from a sense of duty, applicable to my station as the resident minister, and without authority from my government: I con-

sidered the act as that of the British officer, in which the government had no agency, was not bound to support, and which it would be honourable for it to disavow. I flattered myself that some advantage might arise from the measure, and that, under the circumstance in which it was taken, no injury possibly could. His reply is dated on the 3d instant, which, though addressed in rather a harsh tone, may be considered as conceding essentially the point desired. It is my intention to say nothing more to him on the subject till I hear from you, and in the mean time to observe the most conciliatory conduct that circumstances will admit.

Such is the state of this country at the present crisis, that it is impossible to foresee what will be its course of conduct towards the United States. There has been, at all times since the commencement of the present war, a strong party here for extending its ravages to them. This party is composed of the ship owners, the navy, the East and West India merchants, and several political characters of great consideration in the state. So powerful is this combination, that it is most certain that nothing can be obtained of the government on any point, but what may be extorted by necessity. The disasters to the north ought to inspire moderation; but, with respect to the northern powers, it seems to have produced directly the opposite effect. A fleet of about twenty-five ships of the line, with a suitable number of frigates, &c., and above 20,000 men, has been lately equipped, and sent to the Baltic, as it is said, to take possession of the Danish and Rus-

sian navies. This measure is imputed to an understanding which it is supposed has been established between the cabinets of Russia and Paris by the late peace, and which has for its object a concert of measures, for the purpose of attempting to force on this country a maritime code more favourable to neutral nations. The motive assigned for the expedition, is that of taking possession of the Danish fleet, to keep it out of the hands of the French: that the Russian fleet is one of the objects is not so generally believed, though perhaps not less probable.

Mr. Pinkney and myself have taken the first step in our business. We will write you in a few days the state of it. You may be assured that we shall do every thing in our power to promote, in the mode most likely to succeed, the object of our instructions, and the interests of our country. Want of time prevents my going into further detail.

I have the honour to be, with great consideration, sir, your most obedient servant,

JAMES MONROE.

James Madison, Esq., secretary of state, Washington.

From Mr. Canning to Mr. Monroe.

Foreign Office, Aug. 8, 1807.

SIR,

Having received from his majesty's minister in America an unofficial printed paper, purporting to be a copy of a proclamation of the president of the United States, I have to request that you will be pleased to acquaint me, whether you have received any communication from your government

which enables you to pronounce if such paper be authentic.

In the event of your being empowered to admit its authenticity, I have further to request of you, that you will inform me whether you are also authorized to announce it to be the intention of the government of the United States to carry into effect the measures stated in the proclamation of the president, without requiring, or waiting for, any explanation, on the part of the British government, with respect to the late unfortunate transaction, upon which the determination to resort to these measures is professed to be founded.

I have the honour to be, &c.,

GEORGE CANNING.

P. S. I have the honour to enclose an American newspaper, containing a copy of the paper in question.

Mr. Monroe to Mr. Canning.

Portland Place, Aug. 9, 1807.

SIR,

I have the honour to acknowledge the receipt of your note of yesterday, and should not hesitate to communicate the information which you have desired, if I possessed it; but as I have not heard from my government on the subject of the unfortunate occurrence alluded to, it is not in my power to state to you any thing on the part of my government respecting it. I have no doubt that I shall be instructed, in a very few days, to make a communication to his majesty's government, on that highly interesting event, in which I shall be enabled to furnish a full and just view of all the circumstances attending it. As soon as

I receive instructions I shall hasten to apprise you of it.

I have the honour to be, &c.,

JAMES MONROE.

Mr. Monroe to the Secretary of State of the United States.

London, August 14, 1807.

SIR,

I had the honour to transmit you, with my letter of the 4th instant, a copy of a correspondence with Mr. Canning, relative to the late aggression in the case of the Chesapeake frigate. You will receive with this a copy of a more recent one on the same subject.

Mr. Canning's queries in his last note, I was led to consider as preparatory to an embargo on American vessels. I could not conceive why he should request information of me whether the president's proclamation was authentic, and when it would be carried into effect, if it was not intended to found some measure on my reply of an unfriendly nature. The information desired was not necessary to remove any doubts of his government on the points to which it applied, or to enable it to do justice to the United States, in regard to the aggression of which they complained. The presumption that an embargo was intended gained strength from the circumstance that most of the gazettes had recommended, and that the public mind seemed to be essentially prepared for it. It was my most earnest wish to prevent, as far as in my power, so unjust and pernicious a procedure. As the measure contemplated, whatever it might be, seemed to be suspended for my answer, I was extremely solicitous, by the manner, to deprive this government of all pre-

text for any measure of the kind alluded to. By replying generally, that I had no instructions from my government, and could state nothing on its part respecting the late occurrence, I avoided giving a direct answer to Mr. Canning's queries; and by drawing his attention to the application which it was to be presumed would soon be made on the part of my government on that subject, I endeavoured to show more strongly the impolicy and injustice which would stamp any such measure on the part of Great Britain in the present stage.

No step has yet been taken by this government of an unfriendly character towards the United States; and from the communication which Mr. Canning made to the house of commons, on the day he received my last note, which you will find in the gazettes sent, I am persuaded that things will remain in the state in which they are, till your dispatch is received. I trust that a disposition exists to make such reparation on the point in question, as will be satisfactory to the United States, and that it will be practicable and not difficult to preserve the friendly relations subsisting between the two countries. The party, however, in favour of war, consisting of the combined interests mentioned in my last, is strong and active, so that it is impossible to foresee the result.

I have the honour to be, &c.,

JAMES MONROE.

To Mr. Canning.

Mr. Monroe presents his compliments to Mr. Canning, and has the honour to inform him, that he has just received instructions from

his government relative to the late attack of the United States' frigate Chesapeake, by his majesty's ship Leopard, off the coast of the United States.

Mr. Monroe requests that Mr. Canning would have the goodness to give him an early interview on that subject.

Mr. Monroe requests Mr. Canning to accept the assurances of his high consideration.

Portland Place, Sept. 1, 1807.

From Mr. Canning.

Foreign Office, Sept. 1, 1807.

Mr. Canning presents his compliments to Mr. Monroe, and requests the honour of seeing him at the foreign office on Thursday next, at 12 o'clock.

Mr. Canning would have proposed to see Mr. Monroe to-morrow, if he had not been under the necessity of attending the levee and council at the queen's palace.

Mr. Canning requests Mr. Monroe to accept the assurances of his high consideration.

James Monroe, Esq., &c., &c.

To Mr. Canning.

*Portland Place, Sept. 7,
1807.*

SIR,

By the order of my government, it is my duty to request your attention to the aggression lately committed on the peace and sovereignty of the United States, by his Britannic majesty's ship of war Leopard, in an attack on an American frigate, the Chesapeake, off the capes of Virginia. The object of this communication is to obtain of his majesty's government a suitable reparation for that outrage, and

such an arrangement of the great interest which is connected with it, as will place the future relations of the two powers on a solid foundation of peace and friendship.

In bringing this subject again to the view of his majesty's government, it is unnecessary to dwell on circumstances which are already so well known to you. By the documents which I have the honour to transmit you, it is shown that, while the outrage was unprovoked and unexpected on one side, there was nothing to extenuate it on the other. The commander of his majesty's squadron on the coast of the United States appears to have acted on a presumption that he possessed the power to make war, and to decide on the causes of war. It will be difficult to explain the conduct of that officer on any other principle; and equally so to find an example of an aggression marked with such high indignity and injustice to a friendly power.

The pretext for this aggression could not fail to heighten the sense of injury which the act itself was so signally calculated to excite. My government was taught to infer from it, that there was no limit to a pretension which had already produced so much mischief, and against which so many remonstrances had been presented, in its application to merchant vessels. But I find with great satisfaction that this pretension forms no topic for discussion between us in respect to ships of war; and I trust that the just and enlightened policy which produced the decision in one instance, will surmount the obstacle which has hitherto embarrassed it in the other.

The national character of the men who were taken thus violently from on board the Ches-

apeake makes no part of the question. It is impossible that it should come into view in estimating the injury which the United States have received. The outrage involves a great and uncontested principle, which ought not, in any view, to be affected by appealing to national sensibilities on either side. I have however the honour to transmit you documents which will, I presume, satisfy you that they were American citizens.

With respect to the reparation which my government ought to receive for this outrage, it will only be necessary to appeal to those sentiments which Great Britain would be sure to indulge, under like circumstances; to that sensibility to national honour, which has distinguished so many epochs of her history. It will be recollected that the injury, which in itself was great, was much aggravated by the circumstances which attended it; that the peaceful relations of the United States were violated, and their unsuspecting confidence surprized. But I forbear to recite details which it is painful to contemplate. You will, I am persuaded, be satisfied that, in every light in which the subject can be seen, the honour of my government and of the whole nation has been greatly outraged by the aggression, and that it becomes the honour of his majesty's government to make a distinguished reparation for it.

In presenting, in this friendly manner, this important subject to the consideration of his majesty's government, I am particularly instructed to request its attention to the great cause to which this, and so many other injuries of a like kind, may be traced: the impressment of men from the merchant vessels

of the United States. In many essential circumstances, the objections which are applicable to impressments from ships of war are equally applicable to those from merchant vessels. To the individuals who suffer by the practice, the injury is the same in either case. Their claim on their government for protection is in both cases equal: every maxim of public law, and private right, which is violated in one, is equally violated in the other. The relation of the belligerent to the neutral power extends to certain objects only, and is defined in each by known laws. Beyond that limit, the rights of the neutral are sacred, and cannot be encroached on without violence and injustice. Is there a question of contraband, is the vessel destined to a blockaded port in violation of established principles, or does she contain enemies' property, the greatest extent to which the maritime law is carried by any nation? In these cases, she is conducted to port for trial; the parties are heard by an impartial and responsible tribunal, and are heard again by appeal if they desire it. Are any of the passengers on board the neutral vessel in the naval or military service of the enemy? If such are found they are made prisoners, but as prisoners they have rights which the opposite belligerent is bound to respect. This practice, however, looks to other objects than are here recited. It involves no question of belligerent on one side, and of neutral on the other. It pursues the vessel of a friend for an unlawful purpose, which it executes in a manner equally unlawful. Every commercial vessel of the United States that navi-

gates the ocean is liable to be invaded by it, and not an individual on board of any of them is secure while the practice is maintained. It sets up every officer of his majesty's navy as a judge, from whose decision there is no appeal. It makes him a judge, not of property, which is held more sacred, nor of the liberty of his fellow subjects only, however great the trust, and liable to abuse on the main ocean, but of that of the citizens of another power, whose rights as a nation are trampled on by the decision: a decision, in rendering which every rule of evidence is violated, as it puts the proof of innocence on the accused; and is further highly objectionable, as there is too much reason to believe that it has been often guided more by the fitness of the party for service than any other circumstance. The distressing examples of this system of aggression, as it has affected individuals on a scale of vast extent, it is unnecessary to recount here. They may be easily imagined. Voluminous documents which prove them are in the possession of both governments.

It is possible that this practice may, in certain cases, and under certain circumstances, have been extended to the vessels of other powers; but with them there was an infallible criterion to prevent error. It would be easy to distinguish between an Englishman and a Spaniard, an Italian, or a Swede; and the clear and irresistible evidence of his national character, and perhaps of his desertion, would establish the British claim to the individual, and reconcile the nation into whose service he had entered, to his surrender. But the very circumstances which

would constitute an infallible criterion in those cases, would be sure to produce endless error in the other. Who is so skilful in physiognomy as to distinguish between an American and an Englishman, especially among those whose profession and whose sea-terms are the same? It is evident that this practice, as applied to a foreign nation, to any great extent, has grown out of the American revolution, and that it is impossible for the United States not to see in it the assertion of a claim which is utterly incompatible with that great event. When the character of this claim, and the pernicious tendency of the practice, are maturely weighed, it must furnish cause for surprize, that some just and friendly arrangement has not long since been adopted, to prevent the evils incident to it.

My government is aware that his majesty's government has also an interest of importance to attend to in this delicate concern, and I am instructed to state, on its part, that the best disposition exists to provide for it. The United States are far from desiring to profit by a resource which does not belong to them, especially to the prejudice of a friendly power. In securing them against a practice which is found to be so highly injurious to their dearest rights and most valuable interests, every suitable provision will be made to give equal security to those of Great Britain. On this point I am authorized to enter into such an engagement as will, I am persuaded, be adequate to the object.

This great interest of impression has been blended in all its

relations, as you will perceive, by no act of the United States. Its connection with the late disastrous incident has been produced by an extraordinary act of violence, of which they were the victims only. That act, which exhibits the pretension in its widest range, has become identified with the general practice in the feelings and sympathies of the nation, and in the sentiment of the government. I trust, therefore, that his majesty's government will be equally disposed to take up the whole subject at this time, and, in making the reparation which the particular injury claims, provide a remedy for the whole evil. My government looks to this complete adjustment with confidence, as being indispensibly necessary to heal the deep wound which has been inflicted on the national honour of the United States, by so great and unjustifiable an outrage.

I avail myself, with great satisfaction, of the opportunity which this communication affords, to acknowledge the prompt assurance which you gave me of the disposition of his majesty's government to make a suitable reparation to the government of the United States for the injury, of which, by its order, it is now my duty to complain, and for the frank disavowal of the pretension on which it was founded. I hastened to transmit copies of those documents to my government, by whom, I trust, they are by this time received.

I have the honour to be, with great consideration, sir, your most obedient humble servant,

JAMES MONROE.

*The right hon. George Canning,
&c.*

Mr. Monroe to Mr. Canning.

Mr. Monroe presents his compliments to Mr. Canning, and has the honour to inform him that he called at his office yesterday, for the purpose of making some remarks on the subject treated in the note which he addressed, on the — instant, to Mr. Canning. Mr. Monroe regrets that he had not the pleasure of seeing Mr. Canning at that time, and requests that he will be so good as to give him an interview to-morrow, at such hour as may be most convenient to him. Mr. Monroe will be happy to attend Mr. Canning in the country, should it be more agreeable to Mr. Canning to receive him there.

Portland Place, Sept. 9, 1807.

From Mr. Canning, in answer.

Mr. Canning presents his compliments to Mr. Monroe, and will be happy to have the honour of seeing him at the foreign office to-morrow, at 12 o'clock.

Mr. Canning has but this minute received Mr. Monroe's note.

*Burlington house, Wednesday,
Sept. 9, 1807, $\frac{3}{4}$ p. 8, P. M.*

*Mr. Monroe to the Secretary of
State of the United States.*

[DUPLICATE.]

London, Sept. 16, 1807.

SIR,

I had the honour to receive your letter of July 6th, by Dr. Bullus, on the 31st ult., and did not lose a moment in entering on the business as communicated to me by it, in the manner which seemed most likely to obtain success. The details shall be communicated to you

in my next dispatch. All that I can state at present is, that the whole subject has been placed fully before this government, in as strong an appeal to its interest and judgment as I could make, and that, as a week has elapsed since my official note was presented, I am in daily expectation of receiving its decision on it. The moment is in many views very favourable to a satisfactory result, but still it is not in my power, from any thing that has occurred, to speak with confidence of it. The joint negotiation committed to Mr. Pinkney and myself was suspended by the intelligence of the affair with our frigate, and has never been revived since. That intelligence reached this about a week after Mr. Purviance, so that we had only been able, with the utmost diligence, to take the preliminary step of presenting to Mr. Canning, in conformity to our instructions, a project, and of explaining to him, in the most minute and comprehensive manner that we could, every circumstance appertaining to it. No answer was given to our communication; the suspension therefore of the negotiation was imputable to Mr. Canning: had he answered our communication, and proposed to recede in the negotiation, it would have become a question for the commission to have decided, how far it would have been proper, under existing circumstances, to comply with the invitation; his silence however relieved us from this dilemma.

I am, with great respect, sir,

Your most obedient servant,

JAMES MONROE.

P. S. A copy of my note to Mr. Canning is enclosed.

*James Madison, secretary
of state.*

From Mr. Canning.

Foreign Office, Sept. 23d, 1807.

SIR,

I have laid before the king my master the letter which I had the honour to receive from you, on the 8th of this month.

Before I proceed to observe upon that part of it which relates more immediately to the question now at issue between our two governments, I am commanded, in the first instance, to express the surprize which is felt at the total omission of a subject, upon which I had already been commanded to apply to you for information: the proclamation purporting to have been issued by the president of the United States. Of this paper, when I last addressed you upon it, you professed not to have any knowledge, beyond what the ordinary channels of public information afforded, nor any authority to declare it to be authentic.

I feel it an indispensable duty to renew my inquiry on this subject. The answer which I may receive from you is by no means unimportant to the settlement of the discussion which has arisen from the encounter between the *Leopard* and the *Chesapeake*.

The whole of the question arising out of that transaction, is, in fact, no other than a question as to the amount of reparation due by his majesty for the unauthorized act of his officer; and you will, therefore, readily perceive that, in so far as the government of the United States have thought proper to take that reparation into their own hands, and to resort to measures of retaliation, previously to any direct application to the British government, or to the British minister in America, for redress,

in so far the British government is entitled to take such measures into account, and to consider them in the estimate of reparation which is acknowledged to have been originally due.

The total exclusion of all ships of war belonging to one of the two belligerent parties, while the ships of war of the other were protected by the harbours of the neutral power, would furnish no light ground of complaint against that neutral, if considered in any other point of view than as a measure of retaliation for a previous injury; and, so considered, it cannot but be necessary to take it into account in the adjustment of the original dispute.

I am therefore distinctly to repeat the inquiry, whether you are now enabled to declare, sir, that the proclamation is to be considered as the authentic act of your government? And, if so, I am further to inquire, whether you are authorized to notify the intention of your government to withdraw that proclamation, on the knowledge of his majesty's disavowal of the act which occasioned its publication?

The light in which you are directed to represent admiral Berkeley's conduct, and the description which you give of the character of the measure imputed to him, that "he acted as if he had the power to make war, and to decide the causes of war," sufficiently evince the necessity of comprehending in this discussion all the circumstances which have led to or have followed the action with the *Chesapeake*.

Undoubtedly the attack upon a national ship of war is an attack of hostility, and the very essence of the charge against admiral

Berkley, as you represent it, is the having taken upon himself to commit an act of hostility, without the previous authority of his government.

The provocation which may have led to such an act, without such previous authority, if it cannot justify, may possibly extenuate it: as the steps which have been taken in reprisal, though they cannot alter the character of the original act, may, and do materially affect every question concerning the reparation claimed for it.

On this ground it is, that, while I am commanded to repeat to you (what you consider as so satisfactory) that the general and unqualified pretensions to search ships of war for deserters is not asserted by this country, I am precluded from concurring in the inference, that therefore the "national character of the men who were violently taken from on board the Chesapeake makes no part of the present question."

If the right to search ships of war for deserters is not insisted upon by this country, it is not because the employment and the detention of British mariners, on board the national ships of any state, are considered as less injurious towards Great Britain than their employment on board merchant vessels (a proposition which would be manifestly absurd); it is not intended to allow that the sailors of Great Britain may be justly employed, against her consent, in foreign ships of war; but merely that redress is, in that case, to be sought for by government from government, and not to be summarily enforced by the unauthorized officer of any of his majesty's ships of war.

It follows, from this reasoning, that not only the "national character" of the men taken out of the Chesapeake is matter for consideration, but that the reparation to be made by the British government to that of the United States, would depend, among other circumstances, on the question whether an act, which the British government would be justified in considering as an act of hostility, had been committed by the government of the United States (in refusing to discharge the British seamen in their naval service), previously to the commission of an act of hostility of an officer of his majesty.

The act of the British officer would still be an unauthorized act, and as such liable to complaint and disapprobation; but the case, as between government and government, would be materially varied.

At the same time that I offer to you this explanation of the principles upon which his majesty has authorized me to discuss with you the subject of your representation, and that I renew to you the assurances of the disposition to conduct the discussion in the most amicable form, and to bring it to a conclusion satisfactory to the honour and to the feelings of both countries, it is matter of regret that you should have been instructed to annex to the demand of reparation for the attack of the Leopard upon the Chesapeake, any proposition whatever respecting the search for British seamen in merchant vessels: a subject which is wholly unconnected with the case of the Leopard and the Chesapeake, and which can only tend to complicate and embarrass a discussion, in itself of sufficient delicacy and importance.

In stating the grounds upon which your government expect with confidence that "the whole subject of impressment shall be taken up at this time," and that, in making the reparation which is claimed for the particular injury alleged to have been sustained by the United States, in the late unfortunate transaction off the capes of Virginia, "a remedy shall be provided for the whole evil," you appear to have been directed to assume that this act of violence (such as you describe it) is the natural and almost necessary result of the practice of impressment of British seamen from the merchant vessels of other states; and to represent the particular transaction and general question of impressment, as "identified in the feelings and sympathies of your nation, as well as in the sentiment of your government."

With every attention due to the feelings of the people of the United States, I am sure you will readily allow that those feelings cannot properly be considered as affecting the merits of the case.

The first ebullitions of national sensibility may very naturally have communicated an impulse to the American government; but it cannot be expected that they should guide the deliberate opinions and conduct of the government with which you have to treat. I would farther observe to you, that your government cannot reasonably claim any advantage in argument from the expressed sense of its own people, unless it be prepared at the same time to take upon itself a responsibility (which there is no desire of attributing to it) for the outrage and indecency which, upon the late occasion, that expression has, in too many instan-

ces, been accompanied. It is better for temperate reasoning, and assuredly it is more advantageous for the government of the United States, that the consideration of popular feeling should be wholly omitted in this discussion.

The right and the practice of which you are instructed to complain, as irreconcilable with justice, and intolerable in all their parts, have been exercised by Great Britain from the earliest ages of the British naval power, even without any qualification or exception in favour of national ships of war.

The grounds upon which such a distinction has been admitted in latter times, and upon which, for the course of nearly a century, the crown has forborne to instruct the commanders of its ships of war to search foreign ships of war for deserters, I have already had the honour to explain to you; and you will have perceived that those grounds are wholly inapplicable to ships in the merchant service.

That a foreign power will not, knowingly, retain in its national service mariners, the natural born subjects of his majesty, who have been recalled by public proclamation, may be regarded as a presumption arising out of the hostile nature of the act, and out of the probable consequences to which such an act of hostility must lead.

But, with respect to merchant vessels, there is no such presumption.

When mariners, subjects of his majesty, are employed in the private service of foreign individuals, under private civil contracts, the king's subjects, and the foreign individuals with whom they serve, enter into engagements inconsistent with the duty of his majesty's

subjects towards him : but to those engagements the government of the foreign nation has not made itself a party.

In such cases, the species of redress which the practice of all times has admitted and sanctioned, is that of taking those subjects at sea, out of the service of such foreign individuals, and recalling them to the discharge of that previous and paramount duty which they owe to their sovereign and to their country.

That the exercise of this right involves some of the dearest interests of Great Britain, your government is ready to acknowledge, and has accordingly authorized you to propose certain regulations, which you apprehend would be equivalent in their effect for the preservation of the interests concerned.

There will be no indisposition here to entertain, at a proper time, the discussion of such proposed regulations. But when you recollect that many proposals to this effect have already been brought forward, and have been found wholly inadmissible; when you have, yourself, recently had occasion to experience the difficulty of framing any satisfactory arrangement upon the subject; with all the anxiety which is properly felt by both governments for the speedy adjustment of the differences between them, and for the healing of that deep wound which you state to have been inflicted on the national honour of the United States; surely it is not well advised to make the termination of that difference, and the healing that wound, dependent wholly on the complete success of an attempt which has already been made so

often, and which has hitherto uniformly failed.

Your own reasoning shows, that you are aware of the more than ordinary difficulty which must attend any arrangement for the prevention of desertion, between two nations whose similarity of manners and habits, and whose identity of language, interpose so many impediments to the discrimination of "national character."

To these circumstances, and not (as you almost seem to insinuate) to any peculiar harshness towards the United States, it is owing, that the exercise of this right, as with respect to them, is necessarily more frequent than with respect to any other nation; and is felt by them to be more rigid and vexatious. But these circumstances cannot furnish an argument for the suspension of the exercise of the right with respect to America; unless it be contended, that multiplicity of frauds and difficulty of detection are reasons against suspicion or motives for acquiescence.

As little foundation is there for the complaint that the practice has grown out of the recognition of American independence; and that the character of that event is affected by its continuance.

It is needless to repeat that these rights existed in their fullest force, for ages previous to the establishment of the United States as an independent government; and it would be difficult to contend that the recognition of that independence can have operated any change in this respect, unless it can be shown that, in acknowledging the government of the United States, Great Britain virtually abdicated her own rights as a naval power;

or unless there were any express stipulations, by which the ancient and perspective usages of Great Britain, founded in the soundest principles of natural law, though still enforced against other independent nations of the world, were to be suspended whenever they might come in contact with the interests or the feelings of the American people.

I would now recal your attention to the consideration of the question respecting the late transaction between the *Leopard* and the *Chesapeake*, which, till the receipt of your letter, I imagined to be the only question actually in discussion between us, and in consideration of the delicacy and pressing importance of which we had, by common consent, waved the consideration of all other matters pending between our two governments.

Into the discussion of this question I am prepared to enter; with what disposition, on the part of his majesty's government, to consult the feelings and the honour of the government of the United States, it is not necessary for me here to declare; for you have yourself done justice to the sincerity of that disposition.

The difficulties in the way of such adjustment are already smoothed, by the disavowal, voluntarily offered at the very onset of the discussion, of the general and unqualified pretension to search ships of war for deserters. There remained only to ascertain the facts of the particular case, and to proportion the reparation to the wrong.

Is the British government now to understand, that you, sir, are not authorized to enter into this question separately and distinctly, without having obtained, as a pre-

liminary concession, the consent of this country to enter into discussion with respect to the practice of searching merchant vessels for deserters?

Whether any arrangement can be devised, by which this practice may admit of modification, without prejudice to the essential rights and interests of Great Britain, is a question which, as I have already said, the British government may, at a proper season, be ready to entertain: but whether the consent of Great Britain to the entering into such discussion shall be extorted as the price of an amicable adjustment, as the condition of being admitted to make honourable reparation for an injury, is a question of quite a different sort, and one which can be answered no otherwise than by an unqualified refusal.

I earnestly recommend to you, therefore, to consider whether the instructions which you have received from your government may not leave you at liberty to come to an adjustment of the case of the *Leopard* and the *Chesapeake*, independently of the other question with which it appears to have been unnecessarily connected.

If your instructions leave you no discretion, I cannot press you to act in contradiction to them. In that case there can be no advantage in pursuing a discussion which you are not authorized to conclude; and I shall have only to regret that the disposition of his majesty to terminate that difference amicably and satisfactorily, is for the present rendered unavailing.

In that case, his majesty, in pursuance of the disposition of which he has given such signal proofs, will lose no time in send-

ing a minister to America, furnished with the necessary instructions and powers for bringing this unfortunate dispute to a conclusion, consistent with the harmony subsisting between Great Britain and the United States. But, in order to avoid the inconvenience which has arisen from the mixed nature of your instructions, that minister will not be empowered to entertain, as connected with this subject, any proposition respecting the search of merchant vessels.

It will, however, be far more satisfactory to his majesty to learn, that, upon re-consideration, you think yourself authorized to separate the two questions.

I hope you will allow me to express, at the same time, the sincere pleasure which I should feel, in having to treat with you, sir, personally, for the re-establishment of a good understanding between the two countries. I have the honour to be, &c.,

GEORGE CANNING.

James Munroe, Esq., &c.

Mr. Monroe to Mr. Canning.

Portland place, Sept. 29, 1807.

SIR,

I have had the honour to receive your letter of the 23d of this month, and shall transmit it without delay to my government.

I perceive by it, with great regret, that his Britannic majesty's government is not disposed to enter into an arrangement, at this time, of all the differences that have arisen between our governments, respecting the impressment of seamen from American vessels by British cruizers; that it is willing to look to one object

only, the late aggression, and provide for it, while the other is left to depend on future adjustment. My government had presumed that his majesty's government would have seen, in the recent and greater injury, a strong motive for bringing the whole subject into one view, and providing for it at the same time. The excess of the latter outrage could not fail to revive in the mind of the suffering party a high sense of former injuries, and it was reasonable to infer that the great injustice inseparable from the practice, of which the incident furnished so striking an example, would have produced between our governments the most prompt and friendly co-operation in the means of suppressing it. That the United States have suffered a greater injury by a recent occurrence, than they had done before, cannot be a good reason, and ought not to be a motive for delaying redress of the others, especially when it is considered that they were already in a train of amicable accommodation and arrangement. Since, however, you inform me that his majesty's government is unwilling to take up the subject in a combined view, it is unnecessary for me to press it.

You ask whether I am authorized to separate this latter incident from the general practice, and to treat it as a distinct topic? On this point I have to state, that my instructions, which are explicit, enjoin me to consider the whole of this class of injuries as an entire subject; and indeed so intimately are they connected in their nature, that it seems to be difficult, if not impossible, to separate them for any useful purpose to either party. My government being sin-

cerely desirous to place the relations of the two powers on the solid basis of permanent friendship, is satisfied, as well by what has occurred in the general practice, as by the more awful admonition derived from the late incident, that that can only be done with effect by mounting to the source of the evil, and providing an adequate remedy for it. In pursuing this great object it is my duty to repeat, that my government does not seek to confine the remedy proposed to the injuries which the United States have suffered, and continue to suffer, but is desirous to extend it to those also which are complained of by Great Britain. Experience has shown that both parties complain of injuries, though certainly of a very different character and less urgent nature. How much more advisable then is it not, in every point of view, for them to enter into an arrangement which shall bind the honour of each government to do what is just and right in respect to the other, and enlist the feelings of each nation on its side, than to suffer things to remain longer in their present state? How much more advantageous would not such an arrangement be likely to prove to Great Britain, in the particular object which she has in view, than her adherence to a practice which rejects a mean which could not fail to be more productive: a practice which cannot be maintained in principle; which leads by immutable causes, that ought to inspire different sentiments in the parties to each other, to great and constant abuse, and which is also considered by the United States as subversive of their rights, and degrading to their character as an independent power?

So much I have thought it proper to state, in order to place in a just light the conduct of my government on the present occasion, on this great and very interesting subject of impressment. Well knowing its desire to cultivate the most friendly relations with Great Britain, on just and honourable conditions, it would be highly improper that any doubt should be suffered to exist on that point.

You inform me that his majesty has determined, in case my instructions do not permit me to separate the late aggression from the general practice of impressment, to transfer the business to the United States, by committing it to a minister, who shall be sent there with full powers to conclude it. To that measure I am far from being disposed to raise any obstacle, and shall immediately apprize my government of the decision to adopt it. Under such circumstances, I perfectly agree with you in the opinion, that it would be useless to pursue a discussion, which it would be impossible for me to bring to a satisfactory conclusion.

It is still my duty to give the explanation which you have desired, of the motives which induced the president to adopt the measures announced in his proclamation of the 2d July last. However great the injury which the United States had received by the aggression complained of, it is just that it should be shown that the president did not lose sight in those measures of the friendly relations subsisting between the two powers. When the hostile nature of the attack on the Chesapeake is taken into view, and the general conduct of the British squadron within the waters of the United States

before and after the attack, I am persuaded that there was no limit to which the president would not have been justified in going, which he might have thought essential to the honour and safety of the nation. Before the attack, the British squadron had violated the jurisdiction of the United States by the impressment of men within it, whom the commander had refused to surrender; and after the attack, the attitude which he assumed continued to be of a very menacing and hostile character. An act of hostility, it must be admitted, justifies any act of a like nature towards the party who commits it. The president, however, did not believe that his majesty's government had authorized the conduct of the British squadron, and his measures were evidently founded on that belief. They were marked by no circumstance of hostility or of retaliation towards Great Britain; but were intended simply to preserve order within the jurisdiction of the United States, to which end the removal of the British squadron without their limits became indispensable.

After the acts of violence which had been committed by that squadron, it was impossible that it should remain longer there without increasing the irritation and widening the breach between the two nations, which it was the earnest object of the president to prevent. There certainly existed no desire of giving a preference in favour of the ships of war of one belligerent party to those of another. Before this aggression, it is well known, that his Britannic majesty's ships lay within the waters of the Chesapeake, and enjoyed all the ad-

vantages of the most favoured nation; it cannot therefore be doubted that my government will be ready to restore them to the same situation, as soon as it can be done consistently with the honour and rights of the United States.

I cannot conclude this communication without expressing my earnest hope, that the differences which have unhappily arisen between our governments may soon be settled, on conditions honourable and satisfactory to both the parties. To have co-operated with you in the accomplishment of so great and useful a work, would have been highly gratifying to me. The disposition which you have brought to the discussion, and the sentiments which you communicated on the principal transaction, when the first intelligence of it was received, have inspired me with great confidence, that we should soon have been able to bring it to such a conclusion.

To have been a party to it, would have terminated my mission to his majesty in the mode which I have long and sincerely desired. I have the honour to be, &c.,

JAMES MONROE.

The right hon. George Canning.

To Mr. Canning.

Portland Place, Oct. 9, 1807.

Mr. Monroe presents his compliments to Mr. Canning, and requests that he will be so good as to inform him, whether it is intended that the minister whom his majesty proposes to send to the government of the United States shall be employed in a special mission, without having any connection, immediate or eventual, with the ordinary legation. Mr. Monroe has

inferred from Mr. Canning's note, that the mission will be of the special nature above described, but he will be much obliged to Mr. Canning to inform him, whether he has taken a correct view of the measure. Mr. Monroe would also be happy to know of Mr. Canning at what time it is expected the minister will sail for the United States. Mr. Canning will be sensible that Mr. Monroe's motive in requesting this information is, that he may be enabled to communicate it without delay to his government, the propriety of which, he is persuaded, Mr. Canning will readily admit.

Mr. Monroe requests Mr. Canning to accept the assurances of his high consideration.

The right hon. George Canning.

From Mr. Canning.

*Foreign Office, Oct. 10,
1807.*

Mr. Canning presents his compliments to Mr. Monroe; and, in acknowledging the honour of his note of yesterday, has great pleasure in assuring him, that he is at all times ready to answer any inquiries to which Mr. Monroe attaches any importance, and which it is in Mr. Canning's power to answer with precision, without public inconvenience. But it is not in Mr. Canning's power to state with confidence what may be the eventual determination of his majesty in respect to the permanent mission in America. The mission of the minister whom his majesty is now about to send will certainly be limited, in the first instance, to the discussion of the question of the Chesapeake.

James Monroe, Esq., &c.

Correspondence between Mr. Madison and Mr. Rose.

Washington, Jan. 26, 1808.

SIR,

Having had the honour to state to you, that I am expressly precluded by my instructions from entering upon any negotiation for the adjustment of the differences arising from the encounter of his majesty's ship Leopard and the frigate of the United States, the Chesapeake, as long as the proclamation of the president of the United States, of the 2d July, 1807, shall be in force, I beg leave to offer you such farther explanation of the nature of that condition, as appears to me calculated to place the motives under which it has been enjoined to me thus to bring it forward in their true light.

In whatever spirit that instrument was issued, it is sufficiently obvious, that it has been productive of considerable prejudice to his majesty's interests, as confided to his military and other servants in the United States, to the honour of his flag, and to the privileges of his ministers accredited to the American government. From the operation of this proclamation have unavoidably resulted effects of retaliation and self-assumed redress, which might be held to affect materially the question of the reparation due to the United States, especially in as much as its execution has been persevered in after the knowledge of his majesty's early, unequivocal, and unsolicited disavowal of the unauthorized act of admiral Berkley, his disclaiming of the pretension exhibited by that officer to search the national ships of a friendly power

for deserters, and the assurances of prompt and effectual reparation, all communicated, without loss of time, to the minister of the United States in London, so as not to leave a doubt as to his majesty's just and amicable intentions. But his majesty, making every allowance for the irritation which was excited, and the misapprehensions which existed, has authorized me to proceed in the negotiation upon the sole discontinuance of measures of so inimical a tendency.

You are aware, sir, that any delay which may have arisen in the adjustment of the present differences, is not imputable to an intention of procrastination on the part of his majesty's government; on the contrary, its anxiety to terminate, as expeditiously as possible, the discussion of a matter so interesting to both nations, has been evinced by the communication made by Mr. secretary Canning to Mr. Monroe, before the minister of the United States was even informed of the encounter, and now by the promptitude with which it has dispatched a special mission to this country for that express purpose.

I can have no difficulty in stating anew to you, with respect to the provisions of my instructions, calculated as they are to insure an honourable adjustment of the important point in question, and to remove the impressions which the late cause of difference may have excited in the minds of this nation, that I am authorized to express my conviction, that they are such as will enable me to terminate the negotiations amicably and satisfactorily.

Having learnt from you, sir, that it is solely as a measure of precaution the provisions of the

proclamation are now enforced, I must persuade myself, that a due consideration of his majesty's conduct in this transaction will remove as well any misapprehensions which may have been entertained respecting his majesty's dispositions towards the United States, as the grounds upon which that enforcement rests, and the more so, as it has long been a matter of notoriety that the orders issued to the officers of his majesty's navy, in his proclamation of the 16th October, 1807, afford ample security that no attempt can be made to assert a pretension, which his majesty from the first disavowed.

I may add, that if his majesty has not commanded me to enter into a discussion of the other causes of complaint, stated to arise from the conduct of his naval commanders in these seas, prior to the encounter of the *Leopard* and the *Chesapeake*, it was because it has been deemed improper to mingle them, whatever may be their merits, with the present matter, so much more interesting and important in its nature: an opinion originally and distinctly expressed by Mr. Monroe, and assented to by Mr. secretary Canning. But if upon this more recent and more weighty matter of discussion, upon which the proclamation mainly and materially rests, his majesty's amicable intentions are unequivocally evinced, it is sufficiently clear, that no hostile disposition can be supposed to exist on his part, nor can any views be attributed to his government, such as, requiring to be counteracted by measures of precaution, could be deduced from transactions which preceded that encounter.

In offering these elucidations,

I should observe, that the view in which I have brought forward the preliminary which I have specified, is neither as to demand concession, or redress, as for a wrong committed; into such, the claim of a discontinuance of hostile provisions cannot be construed; but it is simply to require a cessation of enactments injurious in their effects, and which, if persisted in, especially after these explanations, must evince a spirit of hostility, under which his majesty could not authorize the prosecution of the present negotiation, either consistently with his own honour, or with any well founded expectation of the renewal or duration of that good understanding between the two countries, which it is equally the interest of both to foster, and to ameliorate.

I have the honour to be, &c.,

G. H. ROSE.

*Department of State, March
5, 1808.*

SIR,

I have had the honour to receive and lay before the president your letter of the 26th January, in which you state, that you are "expressly precluded, by your instructions, from entering upon any negotiation for the adjustment of the differences arising from the encounter of his Britannic majesty's ship the Leopard and the frigate of the United States, the Chesapeake, as long as the proclamation of the president, of the 2d of July, 1807, shall be in force."

This demand, sir, might justly suggest the simple answer, that, before the proclamation of the president could become a subject of consideration, satisfaction should be made for the acknowledged aggression which preceded it. This

is evidently agreeable to the order of time, to the order of reason, and, it may be added, to the order of usage, as maintained by Great Britain, whenever, in analogous cases, she has been the complaining party.

But as you have subjoined to the preliminary demand certain explanations, with a view doubtless to obviate such an answer, it will best accord with the candour of the president to meet them with such a review of the whole subject, as will present the solid grounds on which he regards such a demand as inadmissible.

I begin with the occurrences from which the proclamation of July 2d resulted. These are in general terms referred to by the instrument itself. A more particular notice of the most important of them will here be in place.

Passing over, then, the habitual but minor irregularities of his Britannic majesty's ships of war, in making the hospitalities of our ports subservient to the annoyance of our trade, both outward and inward, a practice not only contrary to the principles of public law, but expressly contrary to British ordinances, enforced during maritime wars to which she bore a neutral relation, I am constrained, unwelcome as the task is, to call your attention to the following more prominent instances.

In the summer of the year 1804, the British frigate the Cambrian, with others in company, entered the harbour of New York. The commander, captain Bradley, in violation of the port laws relating both to health and revenue, caused a merchant vessel just arrived, and confessedly within the limits and under the authority of the United States, to be boarded by persons

under his command, who, after resisting the officers of the port in the legal exercise of their functions, actually impressed and carried off a number of seamen and passengers into the service of the ships of war. On an appeal to his voluntary respect for the laws, he first failed to give up the offender to justice, and finally repelled the officer charged with the regular process for the purpose.

This procedure was not only a flagrant insult to the sovereignty of the nation, but an infraction of its neutrality also, which did not permit a belligerent ship thus to augment its force within the neutral territory.

To finish the scene, this commander went so far as to declare, in an official letter to the minister plenipotentiary of his Britannic majesty, and by him communicated to this government, that he considered his ship, whilst lying in the harbour of New York, as having dominion around her, within the distance of her buoys.

All these circumstances were duly made known to the British government, in just expectations of honourable reparation. None has ever been offered. Captain Bradley was advanced from his frigate to the command of a ship of the line.

At a subsequent period, several British frigates, under the command of captain Whitby, of the *Leander*, pursuing the practice of vexing the inward and outward trade of our ports, and hovering for that purpose about the entrance of that of New York, closed a series of irregularities with an attempt to arrest a coasting vessel, on board of which an American citizen was killed by a cannon ball, which entered the vessel whilst

within less than a mile of the shore.

The blood of a citizen thus murdered, in a trade from one to another port of his own country, and within the sanctuary of its territorial jurisdiction, could not fail to arouse the sensibility of the public, and to make a solemn appeal to the justice of the British government. The case was presented moreover to that government by this, in the accent which it required; and with due confidence that the offender would receive the exemplary punishment which he deserved. That there might be no failure of legal proof of a fact sufficiently notorious of itself, unexceptionable witnesses to establish it were sent to Great Britain, at the expence of the United States.

Captain Whitby was, notwithstanding, honourably acquitted; no animadversion took place on any other officer belonging to the squadron; nor has any apology or explanation been made since the trial was over, as a conciliatory offering to the disappointment of this country at such a result.

A case of another character occurred in the month of September, 1806. The *Impeteux*, a French ship of 74 guns, when aground within a few hundred yards of the shore of North Carolina, and therefore visibly within the territorial jurisdiction and hospitable protection of the United States, was fired upon, boarded, and burnt, from three British ships of war, under the command of captain Douglas. Having completed this outrage on the sovereignty and neutrality of the United States, the British commander felt no scruple in proceeding thence into the waters near Norfolk, nor, in the midst of the hospitalities enjoyed by him, to

add to what had passed a refusal to discharge from his ships impressed citizens of the United States, not denied to be such, on the plea that the government of the United States had refused to surrender to the command of admiral Berkley, certain seamen alleged to be British deserters: a demand which it is well understood your government disclaims any right to make.

It would be very superfluous to dwell on the features which mark the aggravated insult. But I must be permitted to remind you, that in so serious a light was a similar violation of neutral territory, by the destruction of certain French ships on the coast of Portugal, by a British squadron, under the command of admiral Boscawen, regarded by the court of Great Britain, that a minister extraordinary was dispatched, for the express purpose of expiating the aggression on the sovereignty of a friendly power.

Lastly presents itself the attack of the British ship of war Leopard, on the American frigate Chesapeake: a case too familiar in all its circumstances to need a recital of any part of them. It is sufficient to remark, that the conclusive evidence which this event added to that which had preceded, of the uncontroled excesses of the British naval commanders, in insulting our sovereignty, and abusing our hospitality, determined the president to extend to all British armed ships, the precaution heretofore applied to a few by name, of interdicting to them the use and privileges of our harbours and waters.

This was done by his proclamation of July 2, 1807, referring

to the series of occurrences, ending with the aggression on the frigate Chesapeake, as the considerations requiring it. And if the apprehension from the licentious spirit of the British naval commanders, thus developed and uncontroled, which led to this measure of precaution, could need other justification than was afforded by what had passed, it would be amply found in the subsequent conduct of the ships under the command of the same captain Douglas.

This officer, neither admonished by reflections on the crisis produced by the attack on the Chesapeake, nor controled by respect for the law of nations, or the laws of the land, did not cease within our waters to bring to, by firing at, vessels pursuing their regular course of trade; and, in the same spirit which had displayed itself in the recent outrage committed on the American frigate, he not only indulged himself in hostile threats, and indications of a hostile approach to Norfolk, but actually obstructed our citizens in the ordinary communication between that and neighbouring places. His proceedings constituted, in fact, a blockade of the port, and as real an invasion of the country, according to the extent of his force, as if troops had been debarked, and the town been besieged on the land side.

Was it possible for the chief magistrate of a nation, who felt for its rights and its honour, to do less than interpose some measure of precaution at least against the repetition of enormities which had been so long uncontroled by the government whose officers had committed them, and which had at last taken the exorbitant shape

of hostility and of insult, seen in the attack on the frigate *Chesapeake*? Candour will pronounce that less could not be done; and it will as readily admit that the proclamation comprizing that measure could not have breathed a more temperate spirit, nor spoken in a more becoming tone. How far it has received, from those whose intrusions it prohibited, the respect due to the national authority, or been made the occasion of new indignities, needs no explanation.

The president, having interposed this precautionary interdict, lost no time in instructing the minister plenipotentiary of the United States to represent to the British government the signal aggression which had been committed on their sovereignty and their flag, and to require the satisfaction due for it; indulging the expectation, that his Britannic majesty would at once perceive it to be the truest magnanimity, as well as the strictest justice, to offer that prompt and full expiation of an acknowledged wrong, which would re-establish and improve, both in fact and in feeling, the state of things which it had violated.

This expectation was considered as not only honourable to the sentiments of his majesty, but was supported by known examples, in which, being the complaining party, he had required and obtained, as a preliminary to any counter complaints whatever, a precise replacement of things, in every practicable circumstance, in their pre-existing situation.

Thus, in the year 1764, Bermudians and other British subjects, who had, according to annual custom, taken possession of Turk's island for the season of making salt, hav-

ing been forcibly removed, with their vessels and effects, by a French detachment from the island of St. Domingo, to which Turk's island was alleged to be an appurtenance, the British ambassador at Paris, in pursuance of instructions from his government, demanded, as a satisfaction for the violence committed, that the proceedings should be disavowed, the intention of acquiring Turk's island disclaimed, orders given for the immediate abandonment of it on the part of the French, every thing restored to the condition in which it was at the time of the aggression, and reparation of the damages which any British subjects should be found to have sustained, according to an estimation to be settled between the governors of St. Domingo and Jamaica. A compliance with the whole of this demand was the result.

Again: in the year 1789, certain English merchants having opened a trade at Nootka sound, on the north-west coast of America, and attempted a settlement at that place, the Spaniards, who had long claimed that part of the world as their exclusive property, dispatched a frigate from Mexico, which captured two English vessels engaged in the trade, and broke up the settlement on the coast. The Spanish government was the first to complain, in this case, of the intrusion committed by the British merchants. The British government, however, demanded that the vessels taken by the Spanish frigate should be restored, and adequate satisfaction granted, *previous to any other discussion*.

This demand prevailed; the Spanish government agreeing to make full restoration of the captured vessels, and to indemnify the

parties interested in them for the losses sustained. They restored also the buildings and tracts of land of which the British subjects had been dispossessed. The British, however, soon gave proof of the little value they set on the possession, by a voluntary dereliction, under which it has since remained.

The case which will be noted last, though of a date prior to the case of Nootka sound, is that of Falkland's islands. These islands lie about 100 leagues eastward of the straits of Magellan. The title to them had been a subject of controversy among several of the maritime nations of Europe. From the position of the islands and other circumstances, the pretensions of Spain bore an advantageous comparison with those of her competitors. In the year 1770, the British took possession of port Egmont, in one of the islands, the Spaniards being at the time in possession of another part, and protesting against a settlement by the British. The protest being without effect, ships and troops were sent from Buenos Ayres by the governor of that place, which forcibly dispossessed and drove off the British settlers.

The British government looked entirely to the dispossession by force, demanded, as a specific condition of preserving harmony between the two courts, not only the disavowal of the Spanish proceedings, but that the affairs of that settlement should be immediately restored to the precise state in which they were previous to the act of dispossession. The Spanish government made some difficulties; requiring particularly a disavowal, on the part of Great

Britain, of the conduct of her officer at Falkland's islands, which, it was alleged, gave occasion to the steps taken by the Spanish governor, and proposing an adjustment by mutual stipulation in the ordinary form.

The reply was, that the moderation of his Britannic majesty having limited his demand to the smallest reparation he could accept for the injury done, nothing was left for discussion but the mode of carrying the disavowal and restitution into execution; *reparation losing its value if it be conditional*, and to be obtained by any stipulation whatever from the party injured.

The Spanish government yielded. The violent proceedings of its officers were disavowed. The fort, the port, and every thing else were agreed to be immediately restored to the precise situation which had been disturbed; and duplicates of orders issued for the purpose to the Spanish officers were delivered into the hands of the British principal secretaries of state. Here again it is to be remarked, that satisfaction having been made for the forcible dispossession, the islands lost their importance in the eyes of the British government, were in a short time evacuated, and port Egmont remains, with every other part of them, in the hands of Spain.

Could stronger pledges have been given than are here found, that an honourable and instant reparation would be made in a case differing no otherwise from those recited, than as it furnished to the same monarch of a great nation an opportunity to prove, that, adhering always to the same immutable principle, he was as ready to

do right to others, as to require it for himself.

Returning to the instructions given to the minister plenipotentiary of the United States at London, I am to observe, that the president thought it just and expedient to insert, as a necessary ingredient, in the adjustment of the outrage committed on the American frigate, a security against the future practice of British naval commanders, in impressing from merchant vessels of the United States, on the high seas, such of their crews as they might undertake to denominate British subjects.

To this association of the two subjects, the president was determined, first, by his regarding both as resting on kindred principles; the immunity of private ships, with the known exceptions made by the law of nations, being as well established as that of public ships; and there being no pretext for including in these exceptions the impressment (if it could be freed from its enormous and notorious abuses) of the subjects of a belligerent, by the officers of that belligerent. The rights of a belligerent, against the ships of a neutral nation, accrue merely from the relation of the neutral to the other belligerent, as in conveying to him contraband of war, or in supplying a blockaded port.

The claim of a belligerent to search for and seize on board neutral vessels, on the high seas, persons under his allegiance, does not therefore rest on any belligerent right under the law of nations, but on a prerogative derived from municipal laws; and involves the extravagant supposition, that one nation has a right to execute, at all times and in all cases, its municipal

laws and regulations, on board the ships of another nation, not being within its territorial limits.

The president was led to the same determination, secondly, by his desire of converting a particular incident into an occasion for removing another and more extensive source of danger to the harmony of the two countries: and, thirdly, by his persuasion that the liberality of the propositions authorized with this view would not fail to induce the ready concurrence of his Britannic majesty; and that the more extensive source of irritation and perplexity being removed, a satisfactory adjustment of the particular incident would be the less difficult. The president still thinks that such would have been the tendency of the mode for which he had provided; and he cannot therefore but regret that the door was shut against the experiment, by the peremptory refusal of Mr. Canning to admit it into discussion, even in the most informal manner, as was suggested by Mr. Monroe.

The president felt the greater regret, as the step he had taken towards a more enlarged and lasting accommodation became thus a bar to the adjustment of the particular and recent aggression which had been committed against the United States. He found, however, an alleviation, in the signified purpose of his Britannic majesty to charge with this adjustment a special mission to the United States, which, restricted as it was, seemed to indicate a disposition from which a liberal and conciliatory arrangement of one great object at least might be confidently expected.

In this confidence, your arrival was awaited with every friendly solicitude; and our first interview

having opened the way, by an acquiescence in the separation of the two cases, insisted on by his Britannic majesty, notwithstanding the strong ground on which they had been united by the president, it was not to be doubted that a tender of the satisfaction claimed by the United States for a distinguished and acknowledged insult, by one of his officers, would immediately follow.

It was not, therefore, without a very painful surprize, that the error of this expectation was discovered. Instead of the satisfaction due from the original aggression, it was announced that the first step towards the adjustment must proceed from the party injured; and your letter now before me formally repeats, that, as long as the proclamation of the president, which issued on the 2d of July, 1807, shall be in force, it will be an insuperable obstacle to a negotiation, even on the subject of the aggression which preceded it; in other words, that the proclamation must be put out of force before an adjustment of the aggression can be taken into discussion.

In explaining the grounds of this extraordinary demand, it is alleged to be supported by the consideration, that the proceeding and pretension of the offending officer has been disavowed; that general assurances are given of a disposition and intention in his Britannic majesty to make satisfaction; that a special minister was dispatched with promptitude for the purpose of carrying into effect this disposition; and that you have a personal conviction that the particular terms, which you are not at liberty previously to disclose, will be deemed by the United States satisfactory.

With respect to the disavowal, it would be unjust not to regard it as a proof of candour and amity towards the United States, and as some presage of the voluntary reparation which it implied to be due. But the disavowal can be the less confounded with the reparation itself, since it was sufficiently required by the respect which Great Britain owed to her own honour; it being impossible that an enlightened government, had hostility been meditated, would have commenced it in such a manner, and in the midst of existing professions of peace and friendship. She owed it also to consistency with a disavowal on a former occasion, in which the pretension had been enforced by a British squadron, against the sloop of war Baltimore, belonging to the United States; and finally to the interest which Great Britain has, more than any other nation, in disclaiming a principle which would expose her superior number of ships of war to so many indignities from inferior navies.

As little can the general assurances that reparation would be made claim a return which could properly follow the actual reparation only. They cannot amount to more than a disposition, or at most a promise, to do what the aggressor may deem a fulfilment of his obligation. They do not prove even a disposition to do what may be satisfactory to the injured party, who cannot have less than an equal right to decide on the sufficiency of the redress.

In dispatching a special minister for the purpose of adjusting the difference, the United States ought cheerfully to acknowledge all the proof it affords, on the part of his Britannic majesty, of his pacific

views towards them. But whilst they could not, under any circumstances, allow to the measure more than a certain participation in an honourable reparation, it is to be recollected, that the avowed and primary object of the mission was to substitute for the more extended adjustment proposed by the United States at London, a separation of the subjects, as preferred by his Britannic majesty; and you well know, sir, how fully this object was accomplished.

With respect to the personal conviction which you have expressed, that the terms, which you decline to disclose, would be satisfactory to the United States, it is incumbent on me to observe, that, with the highest respect for your judgment, and the most perfect confidence in your sincerity, an insuperable objection manifestly lies to the acceptance of a personal and unexplained opinion, in place of a disclosure, which would enable this government to exercise its own judgment in a case affecting so essentially its honour and its rights. Such a course of proceeding would be without example; and there can be no hazard in saying that one will never be afforded by a government which respects itself as much as yours justly does; and therefore can never be reasonably expected from one which respects itself as much as this has a right to do.

I forbear, sir, to enlarge on the intrinsic incongruity of the expedient proposed. But I must be allowed to remark, as an additional admonition of the singular and mortifying perplexity in which a compliance might involve the president, that there are in the letter of Mr. Canning, communicating to Mr. Monroe the special mission to

the United States, pregnant indications that other questions and conditions may have been contemplated, which would be found utterly irreconcilable with the sentiments of this nation.

If neither any nor all of these considerations can sustain the preliminary demand made in your communication, it remains to be seen whether such a demand rests with greater advantage on the more precise ground on which you finally seem to place it.

The proclamation is considered as a hostile measure, and a discontinuance of it as due to the discontinuance of the aggression which led to it.

It has been sufficiently shown that the proclamation, as appears on the face of it, was produced by a train of occurrences terminating in the attack on the American frigate, and not by this last alone. To a demand, therefore, that the proclamation be revoked, it would be perfectly fair to oppose a demand that redress be first given for the numerous irregularities which preceded the aggression on the American frigate, as well as for this particular aggression, and that effectual controul be interposed against repetitions of them. And as no such redress has been given for the past, notwithstanding the lapse of time which has taken place, nor any such security for the future, notwithstanding the undiminished reasonableness of it, it follows, that a continuance of the proclamation would be consistent with an entire discontinuance of one only of the occurrences from which it proceeded.

But it is not necessary to avail the argument of this view of the case, although of itself entirely conclusive. Had the proclamation

been founded on the single aggression committed on the Chesapeake, and were it admitted that the discontinuance of that aggression merely gave a claim to the discontinuance of the proclamation, the claim would be defeated by the incontestible fact, that that aggression has not been discontinued. It has never ceased to exist; and is in existence at this moment. Need I remind you, sir, that the seizure and asportation of the seamen belonging to the crew of the Chesapeake entered into the very essence of that aggression; that with an exception of the victim to a trial, forbidden by the most solemn considerations, and greatly aggravating the guilt of its author, the seamen in question are still retained, and consequently that the aggression, if in no other respect, is by that act alone continued and in force?

If the views which have been taken of the subject have the justice which they claim, they will have shown that on no ground whatever can an annulment of the proclamation of July 2d be reasonably required as a preliminary to the negotiation with which you are charged. On the contrary, it clearly results, from a recurrence to the causes and object of the proclamation, that, as was at first intimated, the strongest sanctions of Great Britain herself would support the demand, that, previous to a discussion of the proclamation, due satisfaction should be made to the United States; that this satisfaction ought to extend to all the wrongs which preceded and produced that act; and that, even limiting the merits of the question to the single relation of the proclamation to the

wrong committed in the attack on the American frigate, and deciding the question on the principle that a discontinuance of the latter required of right a discontinuance of the former, nothing appears that does not leave such a preliminary destitute of every foundation which could be assumed for it.

With a right to draw this conclusion, the president might have instructed me to close this communication with the reply stated in the beginning of it; and, perhaps, in taking this course, he would only have consulted a sensibility to which most governments would, in such a case, have yielded. But, adhering to the moderation by which he has been invariably guided, and anxious to rescue the two nations from the circumstances under which an abortive issue to your mission necessarily places them, he has authorized me, in the event of your disclosing the terms of reparation which you believe will be satisfactory, and on its appearing that they are, to consider this evidence of the justice of his Britannic majesty as a pledge for an effectual interposition with respect to all the abuses, against a recurrence of which the proclamation was meant to provide, and to proceed to concert with you a revocation of that act, bearing the same date with the act of reparation to which the United States are entitled.

I am not unaware, sir, that, according to the view which you appear to have taken of your instructions, such a course of proceeding has not been contemplated by them. It is possible, nevertheless, that a re-examination, in a spirit in which I am well

persuaded it will be made, may discover them to be not inflexible to a proposition in so high a degree liberal and conciliatory. In every event, the president will have manifested his willingness to meet your government on a ground of accommodation, which spares to its feelings, however misapplied he may deem them, every concession not essentially due to those which must be equally respected, and consequently will have demonstrated, that the very ineligible posture given to so important a subject in the relations of the two countries, by the unsuccessful termination of your mission, can be referred to no other source than the rigorous restrictions under which it was to be executed.

I make no apology, sir, for the long interval between the date of your letter and that under which I write. It is rendered unnecessary, by your knowledge of the circumstances to which the delay is to be ascribed. I have the honour to be, &c.,

JAMES MADISON.

George H. Rose, Esq., his Britannic majesty's minister.

*Washington, March 17th,
1808.*

SIR,

Being deeply impressed with the sense of his majesty's anxiety that full effect should be given to those views of justice and moderation, by which his conduct has been regulated through the whole of the unfortunate transaction whence the present differences have arisen; and of the disappointment with which he would learn the frustration of his just and equitable purposes; I have felt it incumbent upon me, on the receipt

of the letter which you did me the honour to address to me on the 5th instant, to apply anew to this matter the most ample and serious consideration. It is with the most painful sensations of regret, that I find myself, on the result of it, under the necessity of declining to enter into the terms of negotiation, which, by direction of the president of the United States, you therein offer. I do not feel myself competent, in the present instance, to depart from those instructions which I stated in my letter of the 26th of January last, and which preclude me from acceding to the condition thus proposed.

I should add, that I am absolutely prohibited from entering upon matters unconnected with the specific object I am authorized to discuss, much less can I thus give any pledge concerning them. The condition suggested, moreover, leads to the direct inference, that the proclamation of the president of the United States, of the 2d of July, 1807, is maintained either as an equivalent for reparation for the time being, or as a compulsion to make it.

It is with the more profound regret that I feel myself under the necessity of declaring, that I am unable to act upon the terms thus proposed, as it becomes my duty to inform you, in conformity to my instructions, that, on the rejection of the demand stated in my former letter, on the part of his majesty, my mission is terminated. And as his majesty's government, in providing me with those instructions, did not conceive that, after the declaration of his sentiments respecting the affair of the Chesapeake was made known to this government, the

state of any transactions pending or untermiated between the two nations could justify the perseverance in the enforcement of the president's proclamation, I can exercise no discretion on this point.

As on a former occasion I detailed, though minutely, the motives for that demand, on the part of his majesty, which I with so much concern learn to be deemed inadmissible by the government of the United States, I should here abstain from an exposition of them, which visibly can have no further effect upon the negotiation, if I did not deem it essential that they should not be left under any misapprehension, which I might be able to remove. I shall therefore take a short review of the transaction which has given rise to these discussions, in order the more correctly to determine the soundness of the principles upon which that demand is made.

Certain deserters from his majesty's navy, many of them his natural born subjects, having entered into the service of the United States, were repeatedly and fruitlessly demanded, by the British officers, of the recruiting officers of the United States, but were retained in their new service. As it was a matter of notoriety that several of these deserters were on board the frigate of the United States, the Chesapeake, they were demanded of that frigate on the high seas, by his majesty's ship Leopard, and all knowledge of their presence on board being denied, she was attacked, and four of them, one avowedly a native Englishman, were taken out of her. Without being deterred by the consideration of how far circumstances hostile in their nature had

provoked, though they undoubtedly by no means justified, this act of the British officer, his majesty's government directed, that a positive disavowal of the right of search asserted in this case, and a promise of reparation, should be conveyed to the American minister in London, before he had made any representation by order of the United States.

This disavowal, made on the 2d of August last, was transmitted by him to his government before the 6th of that month; but before Mr. Munroe had received his orders to demand reparation, his majesty learnt, with what surprize it is needless to dwell upon, that the president of the United States had interdicted by proclamation, bearing date the 2d July, 1807, the entry of all their ports to the whole of his navy: this surprize was certainly increased, when, in the letter delivered by that minister to require redress for the wrong, although it went into details unconnected with it, not only no concern was expressed, on the part of the United States, at having felt themselves compelled to enact measures of so much injury and indignity towards a friendly power, but no mention was made of the causes of such measures being resorted to, or even of the fact of their having been adopted. In addition to the embarrassment arising from these circumstances, and the insufficiency of the explanations subsequently given to Mr. Canning, the introduction of a subject foreign to that of the complaint became the main impediment to the success of the discussion which took place in London. When I had the honour to open the negotiation with you, sir, as I had learnt that the presi-

dent's proclamation was still in force, it became my duty, conformably to my instructions, to require its recal, as a preliminary to further discussion; had it not been in force, I was not ordered to have taken it into consideration in the adjustment of reparation; and it was considered as hardly possible, that it should not have been recalled, immediately upon the knowledge of his majesty's disavowal of the attack upon the Chesapeake, as an unauthorized act. But his majesty could not suffer the negotiation to be carried on, on his behalf, under an interdict, which, even if justifiable in the first moment of irritation, cannot be continued after the declaration of his majesty's sentiments upon the transaction, except in a spirit of hostility.

It might have been fairly contended, that, in the first instance, the exercise of such an act of power, before reparation was refused or unduly protracted, was incompatible with the purposes and essence of pacific negotiation, and with a demand of redress through that channel; but such have been his majesty's conciliatory views, that this argument has not been insisted on, although it might now be the more forcibly urged, as it appears that the government of the United States was, from the first, sensible, that, even had hostilities been meditated by the British government, it would not have commenced it in such a manner. But the exception taken is to the enforcement continued up to the present time, of measures highly unfriendly in their tendency, persisted in, not only after the disavowal in question, the promise of the proffer of suitable reparation, and the re-

newed assurances of his majesty's amicable dispositions, but after security has been given in a public instrument, bearing date the 16th of October, 1807, that the claim to the seizure of deserters from the national ships of other powers cannot again be brought forward by his majesty's naval officers. It is unnecessary to dwell upon the injury and indignity to which his majesty's service is exposed, both as touching the freedom and security of correspondence of his agents and accredited ministers in the United States, or as resulting from a measure, which, in time of war, excludes the whole of his navy from all their ports, which ports are completely open to the fleets of his enemies. It will be sufficient to observe, that, even where exemptions from it are granted, they are made subject to such conditions, that of the three last ships of war which have entered these ports upon public business, two of them, his majesty's ship *Statira*, having on board a minister sent out for the adjustment of the present differences, and a schooner bearing dispatches, in consequence of their inability to procure pilots, were obliged to enter their waters without such assistance, and were exposed to considerable danger. Great Britain, by the forms established, could repair the wrongs committed, even to the satisfaction of the United States, no otherwise than by the channel of negotiation; yet she avowed distinctly, that a wrong was committed, and that she was ready to make reparation for it: it cannot therefore be contended, that the unavoidable delay of actual reparation subjected her to the imputation of persisting in an aggression, which was disclaimed

from the first ; if this is true, however much she will regret any impediment in the adjustment of a difference, in which the feelings of this nation are so materially interested, can she, consistently with a due care of her own honour and interests, allow it to be concluded on her part, under an adherence to a conduct which has a decided character of enmity, in the proceedings held towards her by the other party ? I know not in what view the perseverance in the president's proclamation, up to this moment, can be considered but in that of a measure of retaliation, or of self-assumed reparation ; unless it be that which, if I rightly understand, you define it to be, a measure of precaution.

If, when a wrong is committed, retaliation is instantly resorted to by the injured party, the door to pacific adjustment is closed, and the means of conciliation are precluded. The right to demand reparation is incompatible with the assumption of it. When parties are in a state of mutual hostility, they are so far on a footing, and as such they may treat ; but a party disclaiming every unfriendly intention, and giving unequivocal proofs of an amicable disposition, cannot be expected to treat with another, whose conduct towards it has the direct effects of actual hostility. If, then, the enforcement of the president's proclamation, up to the present moment, is a measure of self-assumed reparation, it is directly repugnant to the spirit and fact of amicable negotiation ; if it is a measure to compel reparation, it is equally so ; and by the perseverance in it, Great Britain is dispensed with the duty of proffering redress. But if it is a measure of precaution, in order to se-

cure reparation, or in order to compel it, it falls under the objections I have just stated. If it is a precaution adopted as a guard against acts of violence apprehended on the part of his majesty's naval officers, it surely cannot be considered as being as effectual a security as that arising from the renewed assurances of his majesty's friendly disposition, which imply a due observance of the rights of nations with which Great Britain is in amity, by all persons holding authority under his majesty's government ; from the disavowal of the pretension of the search of national ships ; and from the further assurance of that disavowal given in his majesty's proclamation of the 16th of October last : neither under these concurrent circumstances can the plea of necessity be maintained ; and if such a proceeding has not the plea of necessity, it assumes the character of aggression. If these concurrent securities against such an apprehension have any value, the necessity no longer exists ; if they are of no value, negotiation cannot be attempted, as the basis upon which it rests, the mutual confidence of the two parties, would be wholly wanting.

From the moment after the unfortunate affair of the Chesapeake, that his majesty's naval commanders, in these waters, had ascertained that they were safe from the effervescences of that popular fury, under which the most glaring outrages were committed, and by which they were very naturally led to the supposition that they were objects of particular hostility, and that a state of war against them, requiring precautions on their part, had commenced, no conduct has been imputed to them

which could vindicate the necessity of maintaining in force the president's proclamation. Since that time, such of those officers as have been necessitated, by the circumstances of the war, to remain in these waters, have held no communication with the shore, except in an instance too trifling to dwell upon, and instantly disavowed by the commanding officer; and they have acquiesced in various privations, highly prejudicial to the service they were upon, and in consequence of an interdict, which, had they been regardless of their duties towards a state in amity with their sovereign, and had they not carefully repressed the feelings its tone and language had a direct tendency to provoke in them, would have rather excited than have averted the evils it was stated to be intended to prevent; were they regardful of these duties, it was unnecessary. Had they felt themselves obliged completely to evacuate the waters of the United States, especially whilst an enemy's squadron was harboured in them, they could have done it; but under the admission of hostile compulsion, and under such compulsion, carried into full effect, his majesty could not have dissembled the extent of the injury received.

In the several cases adduced, in which Great Britain required certain preliminaries, previously to entering into negotiation, she regulated her conduct by the same principles to which she now adheres; and refused, whilst no hostility was exhibited on her part, to treat with powers whose proceedings denoted it towards her, and who maintained their right in what they had assumed.

From the considerations thus offered, I trust that neither the order of reason, or that of usage, are in contradiction to the demand I have urged; nor am I aware how the order of time opposes the revocation, in the first instance, of that act, which affects injuriously one of the parties, and is still avowed by the other.

The subject is thus presented to you, sir, in the light in which it was natural that it should offer itself to his majesty's government. It certainly conceived the president's proclamation to rest chiefly, and most materially, upon the attack made upon the frigate of the United States, the *Chesapeake*, by his majesty's ship *Leopard*, although other topics were adduced as accessories. In this apprehension it may be held to have been sufficiently warranted, by the precise time at which, and the circumstances under which, it was issued, and by its whole context; and the more so, as the impulse under which it was drawn up appears to have been so sudden as to have precluded a due examination of all the grounds of allegation contained in it. And here I beg leave to assure you, that, with respect to the spirit and tone of that instrument, it would be highly satisfactory to me, if I could feel myself justified in expressing, on the part of his majesty, any degree of coincidence with the opinions you have announced; or when thus appealed to, and making every allowance for the irritation of the moment, I could dissemble the extreme surprize occasioned in Great Britain, that the government of a friendly nation, even before an amicable demand of reparation was made, and yet

meaning to make that demand, should have issued an edict directing measures of injury very disproportionate to what it knew was an unauthorized offence, and, both in its terms and its purport, so injurious to the government to which that demand was to be addressed, and tending to call forth in both nations the feelings under which a friendly adjustment would be the most difficult. But if, as I learn from you, sir, the proclamation rests substantially on other causes, it is then peculiarly to be regretted, that, together with the demand for redress made in September last, the government of the United States did not think fit to offer a negotiation, or an explanation of so momentous a measure, or to declare that its recal must be more or less connected with the adjustment of other alleged wrongs. Neither did it think it necessary to return any answer to the remonstrance given in by his majesty's envoy at Washington, on the 13th July, 1807, in which he represented "that he considered that interdiction to be so unfriendly in its object, and so injurious in its consequences to his majesty's interests, that he could not refrain from expressing the most sincere regret, that it ever should have been issued, and most earnestly deprecating its being enforced."

It could not be supposed that a circumstance of so great weight could be overlooked by his majesty's government, in determining the line of conduct to be held in the negotiation; and as little could it be expected to pass it over, when, on the failure of the discussion with Mr. Monroe, it directed a special mission to be sent to the United States. It had the less

reason to imagine that any other grievances could be connected with that, for the adjustment of which I am empowered to negotiate, as Mr. Monroe, in his letter to Mr. Canning of the 29th July last, had stated, with respect to other subjects of remonstrance, that it was improper to mingle them with the present more serious cause of complaint: an opinion to which Mr. Canning declared his perfect assent, in his letter to that minister of the 2d of the subsequent month; so that this act was left as single and distinct, to be singly and distinctly considered. His majesty's government, therefore, could not, consistently with any view of the subject then before it, or, indeed, with the just object of my mission, direct or empower me to enter upon matters not connected with that of the Chesapeake; and they could with the less propriety do it, as, in order to render the adjustment of differences of such a nature the more easy and the more conspicuous, the minister, charged especially with such offices, has been, with few if any exceptions, restricted to the precise affair to be negotiated. With respect, therefore, to those other causes of complaint, upon which you inform me that the president's proclamation rests, I cannot be furnished with documents enabling me either to admit or to controvert those statements of grievances, foreign to the attack upon that ship, contained in your letter, or authorized to discuss the matters themselves.

I shall therefore not allow myself to offer such comments as my personal knowledge of some of those transactions suggest to me, although their tendency

would materially affect both the marked manner in which those transactions are portrayed, and the disadvantageous light in which his majesty's government is represented to have acted respecting them. I am moreover led to the persuasion, that my government will be the more easily able to rescue itself from inculpation, by the inference arising from passages in Mr. Monroe's letters to Mr. secretary Canning, of the 29th September last, that the differences unhappily existing between the two nations were in a train of adjustment.

If his majesty has not permitted me to enter into the discussion of the search of neutral merchant ships, for British seamen, together with the adjustment of the amount of reparation for the attack upon the Chesapeake, it was nowise with a view of precluding the further agitation of that question at a suitable time; but it was that the negotiation might be relieved from the embarrassment arising from the connection of the present matter with one so foreign to it, and, as it was but too well known, so difficult to be adjusted; of a right distinctly disclaimed, with one which Great Britain has at all times asserted, of enforcing her claim to the services of her natural born subjects, when found on board merchant vessels of other nations: a claim which she founds in that principle of universal law, which gives to the state the right of requiring the aid and assistance of her native citizens. The recurrence, therefore, to that cause of negotiation, which had been originally settled between Mr. Canning and Mr. Monroe, and which had been alone broken in upon by

the orders subsequently received by that minister, can only be considered as a resumption of that course of things which Great Britain strenuously contended there was no ground to depart from. I may observe that this purpose might have been effected without the intervention of a special minister.

It will be in your recollection, sir, that, in our first interview, I stated the condition which makes the subject of the present letter, before I was informed by you that the president of the United States would consent to the separation of the two subjects.

I had trusted that the exposition which I added in my letter of the 26th of January, to the verbal explanation I had before offered, of the grounds of his majesty's demand, was, both in its purport and in the terms in which it was couched, such as to prevent a suspicion that they were in their intention derogatory to the honour, or calculated to wound the just sensibility of the nation. I may add that such a supposition could not be reconciled with the various ostensible and unequivocal demonstrations of his majesty's good faith and anxiety that this transaction should be brought to an amicable termination, which were exhibited even prior to any remonstrance on the part or by order of this government. The other topics which I felt myself authorized to advance in that letter, in illustration of that amicable disposition on the part of the king, were brought forward from the conviction I entertained that they must be of a nature very satisfactory to this government, and therefore such as it was particularly my duty to enforce,

but not with a view to rest upon them the right to advance the claim which I have stated.

I may here remark, it is obvious that, far from requiring that the first steps towards an arrangement of reparation should be taken by the United States, Great Britain has already made them openly and distinctly: they are indubitable testimonies to the respect borne and decidedly marked by Great Britain, to the ties of amity subsisting between the two nations, and of her cordial desire to maintain them unimpaired; and as such alone they were urged.

As his majesty would have derived sincere satisfaction from the evidence of corresponding feeling on the part of the United States; so it would be the more painful to me to dwell upon a series of insults and menaces, which, without any provocation of warlike preparation on the part of Great Britain, have been for months accumulated upon her through the United States, and but too frequently from quarters whose authority necessarily and powerfully commanded attention.

I ought perhaps to apologize for adverting to an incidental expression in your letter, if I did not think it right to remove any ambiguity respecting the nature of the claim which Great Britain maintained to her seamen, native citizens of the realm, who have deserted from her service to that of other powers: it is, that on demand they shall be discharged forthwith, and consequently they shall instantly be freed from their newly contracted obligations.

Before I close this letter, allow me to state to you, sir, that I have felt it my duty to transmit to his majesty's government the exposition contained in your letter of the

5th inst., of the various demands on the honour and good faith of Great Britain, on which the complaint is made, that satisfaction has not been afforded to the United States, and on which, conjointly with the affair of the Chesapeake, you inform me that the proclamation of the president of the United States, of the 2d July, 1807, is founded. It will be for his majesty's government to determine, on the part of Great Britain, whether any, and what obligations remain be fulfilled by her; whether any denial or such protraction of redress have occurred on her part, as to render necessary or justifiable the perseverance in an edict, which, when not necessary or justifiable, assumes a character of aggression; and whether, on the result of these considerations, the present negotiation can be resumed on the part of his majesty, with a due regard for his own honour, or with a prospect of a more successful termination. I have the honour to be, &c.,

G. H. ROSE.

PAPERS RELATIVE TO FRENCH AFFAIRS.

Extract from a letter to Mr. Monroe from General Armstrong.

Paris, 7th July, 1807.

SIR,

The accounts you have had of recent captures made by French privateers of American vessels, under cover of the decree of November last, are not correct. At least, if such captures have been made, I know nothing of them. The only captures I have at any time heard of were those made from

Porto Ferrajo. They are by no means of recent date, and have all (I believe) been redressed by the council of prizes. Two of these cases, to which I attended personally, received decisions equally favourable and prompt. Interests and damages were given to the plaintiffs; and I know not why decisions, equally favourable, should not have been given in the other cases. I have within a week been informed by Mr. Erving, that he had reason to believe that a French privateer, then in a port of Spain, had plundered American ships, either going to or coming from England, of dry goods, to the amount of 300 dollars. Before any thing could be done in Spain for the recovery of these goods, the ship went to sea, and professedly for the purpose of returning to the port of her armament. Believing her to have arrived there, I put all the evidence I possessed before M. Decres, who closes his answer with the following assurance: "Your excellency may be assured, that, as far as it depends on me, the captains of these vessels or their owners shall obtain, if there is ground for it, a prompt and full reparation." I quote this to show you that there is no disposition in the ministers of this government to sanction or protect those enterprises upon our commerce. From the uses you may be able to make of the facts, and their relation to your question generally, I subjoin a brief exposition of the construction now given to the November decree. It was, you know, admitted by both ministerial and judicial authorities, that this decree did not infract the provisions of the treaty of 1800, between the United States and France. Still it was contended that vessels (of the United

States) coming from any port of Great Britain since the date of the edict, could not be admitted to entry in the ports of France. This rule, without some qualifications, was likely to become mischievous, and I accordingly obtained the following modifications of it, and hope to obtain a further modification, which will render it perfectly harmless. These changes took place as circumstances rose to produce them; for though the necessity for them was both foreseen and represented, it was only upon real, not upon hypothetical cases, that the ministers of his majesty were willing to act.

1. Vessels leaving ports of the United States before a knowledge of the *arrêt* had been promulgated there, are not subject to the rule.

2. Vessels not coming directly from a British to a French port, are not subject to the rule.

3. The cargoes of vessels coming directly from a British to a French port and offered for entry, on proof that the touching of the ship in England, &c., was involuntary, are put in *dépôt* or sequestration, until his majesty shall have decided on the sufficiency of the proof offered; or they are at once given up to the consignees, on their giving security to abide the decision which shall be ultimately taken by the emperor in their respective cases. The vessels can go out freely, and without impediment of any kind. The former rule, of which this is an amelioration, was, that ships as well as cargoes, coming under the description, should be sequestered, &c. The further alteration which I have asked is, the establishment of some principle which shall regulate the kind and degree of proof required, with respect to the alleged application

of a *force majeure*, and my own opinion is, that this may best be found in the greater or less correspondence which shall exist between the cargo when shipped in America, and when arrived here. If the correspondence be complete, the evidence ought to be considered as complete also, that they were not in Great Britain for the purposes of commerce, and not being there for these purposes, the inference is fair, that their going there at all was involuntary. This is a rule the ministers will consent to; whether his majesty will do so also, will be known in a few days. He is expected here about the beginning of August.

—
Paris, September 18, 1807.

I have submitted, sir, to his majesty the emperor and king, the doubts of his excellency the minister of marine and colonies on the extent of some of the provisions of the imperial decree of November 21st, 1806, which has declared the British islands in a state of blockade; the following are the intentions of his majesty on the point in question:

1. Can armed vessels, under the imperial decree of the 21st of November last, seize in neutral vessels, either English property, or merchandize proceeding from the manufactories of the English territories?

His majesty notified me, that, since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution, with respect to any thing whatever.

2. His majesty has not decided the question whether French armed vessels may possess themselves of neutral vessels going to or from

England, although they have no English merchandize on board.

3. On the question, whether French armed vessels are subject to the deduction ordered by the sixth article of the decree of November 21st, his majesty has declared that the provision of that article was not susceptible of any restriction: that is to say, that the deduction must take effect on the proceeds of all confiscations of merchandize and property, which have been, or may be, pronounced in execution of the decree, without regard to the place of seizure or character of the captors.

You will be so good, sir, as to notify these decisions to the council of prizes, to have them entered in the registers, and to acknowledge the receipt of my letter.

Accept, &c., &c., the grand judge, minister of justice,

REGNIER,

Procureur General Imperial of the Council of Prizes.

—
Paris, 24th September, 1807.

SIR,

I have this moment learned, that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the imperial decree of the 21st of November last. It is therefore incumbent upon me to ask from your excellency an explanation of his majesty's views in relation to this subject, and particularly, whether it be his majesty's intention, in any degree, to infract the obligations of the treaty now subsisting between the United States and the French empire?

I pray your excellency, &c., &c.,

JOHN ARMSTRONG.

His Excellency the Minister of Foreign Affairs.

Fontainebleau, October 7,
1807.

SIR,

You did me the honour, on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British islands, as to vessels of the United States.

The provisions of all the regulations and treaties relative to a state of blockade have appeared applicable to the existing circumstances, and it results from the explanations which have been addressed to me by the imperial procureur general of the council of prizes, that his majesty has considered every neutral vessel, going from English ports, with cargoes of English merchandize or English origin, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months; the principal powers of Europe, far from protesting against its provisions, have adopted them; they have perceived that its execution must be complete to render it more effectual, and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infraction, by England, of the rights of all maritime powers render their interest common, and tend to unite them in support of the same cause.

Accept, &c., &c.,

CHAMPAGNY.

His Excellency General Armstrong, Minister Plenipotentiary of the United States.

Paris, November, 1807.

SIR,

It was not till yesterday that I received from Mr. Skipwith a co-
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py of the decree of the council of prizes, in the case of the *Horizon*. This is the first unfriendly decision of that body under the decree of the 21st of November, 1806. In this case, and on the petition of the defendant, the court has recommended the restoration of the whole cargo. I did not however think proper to join in asking as a favour, what I believed myself entitled to as a right. I subjoin a copy of my note to the minister of foreign affairs.

And am, sir, your most obedient humble servant,

JOHN ARMSTRONG.

Mr. Madison, &c.

Paris, November 12th, 1807.

SIR,

The document to which these observations are prefixed will inform your excellency, that an American ship, trading under the protection of the laws of nations and of particular treaties, and suffering shipwreck on the coast of France, has recently been seized by his majesty's officers, and adjudged by his council of prizes as follows, viz.:

"Our council puts at liberty the American vessel, the *Horizon*, shipwrecked the 30th of May last, near Morlaix, and consequently orders, that the amount of the sale legally made of the wreck of the said vessel, together with the merchandize of the cargo, which, according to an estimate made in presence of the overseers of the administrations of the marine and custom house, shall be acknowledged not to proceed either from English manufactures or territory, shall be restored to captain McClure, without deducting

any other expences but those relative to the sale.

"And with regard to the other merchandize of the cargo, which from the result of the said estimate shall be acknowledged to come from English manufactures or territory, by virtue of the fifth article of the decree of the 21st November, 1806, they shall be confiscated for the use of the state, the whole to be sold by the forms prescribed in the regulations; and the application of the product to be made in conformity to the arrangements of the said decree, deduction being made for the expence of saving the goods, and that of the support of the crew, until the day that the captain shall receive the notification of the present decision."

The reasons upon which this decision is founded are at once so new and so alarming to the present friendly relation of the two powers, that I cannot but discuss them with a freedom in some degree proportioned to my sense of their novelty and importance.

"Considering," says the council, "that the neutrality of the ship and cargo were sufficiently established, the whole ought to be restored (agreeably to the provisions of the convention of the 30th of September, 1800), provided no merchandize of English origin had been found in her, and of course that she had not been brought within the limits of the imperial decree of the 21st of November, 1806."

Here is an open and unqualified admission that the ship was found within the rules prescribed by the convention of 1800; that, according to these rules, her cargo and herself ought to have been restored;

and that such would have been the fact but for the operation of the decree of the 21st of November, 1806.

In the letter your excellency did me the honour to write to me on the 7th of October last, you thought it "easy to reconcile the obligations of this decree with the preservation of those arising from treaties." It was not for me to examine the means by which this reconciliation was to be effected. They no doubt fully existed, and yet exist, in his majesty's good pleasure; and, taking for granted this fact, I saw in the opinion nothing but proofs of a friendly disposition, and pledges that this was not to be either wantonly destroyed or diminished. How inauspicious however to its authority, and the consolation derived from it, is this recent act of the council of prizes! an act which explicitly acknowledges the opposite characters and conflicting injunctions of these two instruments, and which of course draws after it consideration the most serious to the government of the United States.

The second reason of the council is, "that the decree declaring British merchandize good prize, had principally in view captures made on the high seas; but that the question whether shipwrecked goods ought to be restored or confiscated having always been judged under the 14th article of the regulation of the 26th of July, 1778, and according to their character (that might have rendered lawful, or have even commanded their seizure at sea), there is no room to introduce, in this case, any new distinction, which, however philanthropic it

may appear, has not as yet been adopted as a rule by any maritime nation."

The doctrine resisted in this passage, and which inculcates the duty of extending protection to the unfortunate, is not new to his majesty's council of prizes. They have themselves consecrated it by their decision of the 5th of March, 1800. By that decision they restored an enemy's ship, on the *single reason*, that she had been *compelled to enter a French port by stress of weather*. "I should equally fail," says the attorney-general, "in respect to myself and the council, before whom I have the honour to represent the government, *were I not to maintain a principle consecrated by our laws and by those of all nations*. In all circumstances, let the loyalty of the French government serve as the basis of your decisions. Prove yourselves at once generous and just; your enemies will know and respect your magnanimity." Such was the principle adopted by the council in the year 1800, and in the case of an enemy's ship; yet we are now told, that this very principle, so honourable to the court, to the nation, and to human nature, is utterly unknown to all maritime people. And on what occasion do we hear this? When an enemy's ship is again thrown on the French coast? No; it has been reserved for the wreck of a neutral and friendly vessel! for a ship of the United States! It is not denied, that, had this ship escaped the rocks and made the port of Morlaix, the only inhospitality to which she would have been exposed (under the most rigorous interpretation of the law in question) would have been

that of being ordered again to sea. Has then the misfortune of shipwreck so far altered her condition, as to expose her to the injury of confiscation also? And is this among the principles which the defender of maritime rights means to consecrate by his power and his wisdom? It is impossible.

The third reason of the council is, "that the application of the fifth article aforesaid, in as far as it concerns the Americans and other nations, is the result both of the general expressions of that very article, and of the communication recently made by his excellency the grand judge, concerning the primitive intention of the sovereign, that the expedition in question, having certainly been undertaken with full knowledge of the said decree, no objection can be drawn with any propriety from the general rules forbidding a retrospective action, nor, in this particular case, from the posterior date of the act in which the sovereign decides the question, since that act sprung from his supreme wisdom, not as an interpretation of a doubtful point, but as a declaration of an interior and positive disposition."

A distinction is here attempted to be taken between the interpretation of a doubtful point and the declaration of an anterior and positive rule. This distinction cannot be maintained; for, if the rule had been positive, there would have been no occasion for the declaration; neither the minister of marine, nor the council of prizes, could have had any doubts on the subject; the execution of the decree would have been prompt and peremptory; nor would a *second* act on the part of his majesty, af-

ter the lapse of twelve months, have been necessary to give operation to the *first*. Need I appeal to your excellency's memory for the facts on which these remarks turn? You know that doubts did exist; you know that there was under them even much hesitation in pronouncing; you know that, as late as the 9th of August, I sought an explanation of the decree in question, and that even then your excellency (who was surely a competent and legitimate organ of his majesty) did not think yourself prepared to give it. The conclusion is inevitable: his majesty's answer, transmitted to the court of Paris, on the 18th of September following, through the medium of the grand judge, was in the nature of an *interpretation*, and, being so, could not, without possessing a retro-active quality, apply to events many months anterior in date to itself.

The fourth reason of the council, and the last which enters into my present view of the subject, is, "that though one of the principal agents of his majesty had given a contrary opinion, *of which the council had at no period partaken*, this opinion, being that of an *individual*, could not (whatever consideration its authors may merit) balance the formal declaration given in the name of his majesty himself; and that if the communication of this opinion had, as is alleged, given room to and served as a basis for many American shipments, and particularly of the one in question, this circumstance, which may call for the indulgence of his majesty in a case in which the confiscation is entirely to the advantage of the state, does not prevent a council,

rigid in its duty, to pronounce in conformity to the decree of the 21st of November, and of the declaration which followed it."

It would appear from the paragraph, that, not finding it easy to untie the knot, the council had determined to cut it. Pressed by the fact, that an interpretation of the decree had been given by a *minister of his majesty, specially charged* with its execution, they would now escape from this fact, and from the conclusion to which it evidently leads, by alleging:

1st, *That at no time* has the council partaken of the opinion given by the minister; and,

2d, *That the opinion being that of an individual*, could not possess either the force or the authority of one truly ministerial.

It appears to me, as I think it will to your excellency, that the council have in these statements been less correct than is usual to them on similar occasions, if, as they now assert, they have never partaken of the minister's opinion. If they have never even hesitated on the question, whether the decree of November did, or did not, derogate from the treaty of 1800, why, I ask, suspend the American cases generally? or why decide as they did in the case of the Hibernia? If I mistake not, we find in this case the negotiation of the very principle laid down by the minister of marine. That officer says, "in my opinion the November decree does not work any change in the rules at present observed with respect to neutral commerce, and consequently none in the convention of the 8th Vendém., year 9:" and what says the council? "Admitting that this part of the cargo (the rum and ginger) was of British origin,

the dispositions of the November decree, which contain nothing with regard to their own influence over the convention of the 8th Vendem., year 9, evidently cannot be applied to a ship leaving America on the 6th of the same month of November, and of course cannot have authorized her capture in the moment she was entering the neutral port of her destination." We have here three distinct grounds of exemption from the effects of the November decree :

1st, The entire silence of that decree with regard to its own influence over the convention of 1800.

2d, The early period at which the ship left the United States ; and

3d, The neutral character of the port to which she was destined.

If such, sir, were the principles admitted by the council of the 25th of March last, with what correctness can it be now said, "that at no period have they partaken of the opinion of the minister?"

The second fact asserted by the council is, that the interpretation of the decree in question, given on the 24th of December, 1806, was *private, not public*, or, in other words, that it was the interpretation of the *man*, not that of the *minister*, and as such cannot outweigh the more recent declaration coming immediately from his majesty himself.

On the comparative weight of these declarations I shall say nothing, nor shall I do more to repel the first part of the insinuation (*that the minister's declaration was that only of the individual*), than to submit to your excellency my letter of the 20th of December, 1806, claiming from the minister an *official* interpretation of the decree

in question, and his answer of the 24th of the same month, giving to me the interpretation demanded.

To your excellency, who, as late as the 21st of August last, considered the minister of marine as the natural organ of his majesty's will, in whatever regarded the decree aforesaid, and who actually applied to him for information relating to it, this allegation of the council of prizes, and the reasoning founded upon it, cannot but appear very extraordinary, and will justify me in requesting, that his majesty may be moved to set aside the decision in question. I beg, &c., &c.,

JOHN ARMSTRONG.

His Excellency the Minister of Foreign Relations.

Paris, August 9th, 1807.

SIR,

Your excellency is not unapprized, that, soon after the promulgation of the imperial decree of the 21st of November last, one of similar character and injunction was issued by the prince of peace, in behalf of his catholic majesty. Under this order sundry vessels belonging to the citizens of the United States have been captured on the high seas, brought into the ports of Spain, and are now before the court of admiralty for examination. To this brief statement I subjoin an extract from a letter of the 27th ult., from the *charge des affaires* of the United States at Madrid, which will show your excellency that the fate of these vessels will depend not on the construction which might be given to the Spanish decree by the Spanish tribunals, but on the practice which shall have been established

by France, under her decree of November last; and that prince Masserano has accordingly been directed to ask from your excellency such exposition of that decree, and of the practice under it, as shall regulate, on this head, the conduct of Spanish courts and cruisers towards neutral commerce in general. Assured, as I feel myself, that this exposition, whenever given, will not be less friendly and liberal than that already found in the decisions of his imperial majesty's council of prizes and correspondence of his minister of marine, viz., that the provisions of the decree in question do not infract any of the rights of commerce stipulated by treaty between France and the United States, it is incumbent on me to pray your excellency that it (the exposition required) be given as expeditiously as possible, to the end that the legitimate commerce stipulated by treaty between France and the United States, be relieved from all further annoyance, growing out of the doubtful meaning and operation of the Spanish decree aforesaid.

Your excellency will permit me to avail myself of this occasion to recal to your attention the subject of my letter of the 26th of June last. I learn from Antwerp that the cargoes mentioned in that letter are yet under sequestration, and that considerable loss, as well by diminution of price in the articles, as by accumulation of interest and charges, has been already incurred.

Your excellency will do me the honour to accept the assurances of my profound respect.

JOHN ARMSTRONG.

His Excellency the Prince of Benevento.

Letter from the Minister of Foreign Relations, of the 21st of August, 1807, referred to in the preceding letter.

SIR,

I have received the letter which you did me the honour of address-me on the 9th of this month, relative to American vessels carried into ports of Spain, in consequence of the measures taken by that power against the English commerce, in imitation of France.

As the execution of the maritime measures indicated by the imperial decree of the 21st of November, 1806, rests naturally with his excellency the minister of marine, and that moreover he has already had the honour of addressing you some first observations on the application of that decree, I transmitted without delay your letter, and asked from him the new explanations which you might desire. When they shall have been forwarded to me, I will have the honour of informing you of them.

Accept the assurance of my high consideration.

CHAMPAGNY.

His Excellency General Armstrong.

[Here follows the Milan decree, already published].

LETTER FROM MR. ERSKINE TO
THE SECRETARY OF STATE.

Washington, Feb. 23d, 1808.

SIR,

I have the honour to transmit to you the copies of certain orders of council which his majesty has thought proper to issue, in consequence of the hostile conduct of

France towards the navigation and commerce of Great Britain and of neutral states.

His majesty has been induced hitherto to forbear recurring to measures of this nature by the expectation that the governments of the neutral states, who have been the objects of the French decrees, would have been awakened to a just sense of what they owe to their interests and own rights, and would have interposed with effect, either to prevent the execution of the French decrees, or procure their abrogation.

But his majesty having been disappointed in this just expectation, and perceiving that the neutral nations, so far from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her decrees, can no longer refrain from having recourse to such measures as, by retorting on the enemy the inconveniences and evils produced by his injustice and violence, may afford the only remaining chance of putting an end to a system, the perseverance in which is not more injurious to his majesty's dominions than to nations not parties to the war between Great Britain and France.

The principle, upon which his majesty finds himself compelled to proceed, would justify a complete and unqualified retaliation, on his part, of the system announcced and acted upon by France, in respect to his majesty's dominions; and his majesty might, therefore, have declared in a state of rigorous and unmitigated blockade all the coasts and colonies of France and her allies. Such a measure the maritime power of

Great Britain would have enabled his majesty to enforce; nor would those nations, which have acquiesced, without effectual remonstrance, in the French decree of blockade, have derived any right from the perfect execution of a corresponding determination on the part of his majesty, to complain of his majesty's enforcing that measure, which the enemy has executed imperfectly, only from the want of the means of execution.

His majesty, however, actuated by the same sentiments of moderation by which his majesty's conduct has been uniformly governed, has been desirous of alleviating, as much as possible, the inconveniences necessarily brought upon neutral nations by a state of things so unfavourable to the commercial intercourse of the world; and has therefore anxiously considered what modifications it would be practicable to apply to the principle upon which he is compelled to act, which would not, at the same time that they might afford relief from the pressure of that principle upon neutral or friendly nations, impede or enfeeble its operation upon the enemy.

In pursuance of this desire, the order in council, which, if it had ended with the sixth paragraph, would have been no more than a strict and justifiable retaliation for the French decree of November, 1806, proceeds, as you will observe, sir, to provide many material exceptions, which are calculated to qualify the operation of the order upon neutral nations in general, but which must be considered as most peculiarly favourable to the particular interests of the United States.

It will not escape you, sir, that by this order in council, thus modified and regulated, the direct intercourse of the United States with the colonies of the enemy is unrestrained: an indulgence which, when it is considered to be (as it really is) not only a mitigation of that principle of just reprisal upon which the order itself is framed, but a deviation, in favour of the United States, from that ancient and established principle of maritime law, by which the intercourse with the colonies of an enemy in time of war is limited to the extent which that enemy was accustomed in time of peace to prescribe for it, and which, by reference to the conduct of France in a time of peace, would amount to a complete interdiction, cannot fail to afford to the American government a proof of the amicable disposition of his majesty towards the United States.

You will observe, sir, also, that the transportation of the colonial produce of the enemy from the United States to Europe, instead of being altogether prohibited (which would have been the natural retaliation for the rigorous and universal prohibition of British produce and manufactures by France) is freely permitted to the ports of Great Britain, with the power of subsequently re-exporting it to any part of Europe, under certain regulations.

The object of these regulations will be the establishment of such a protecting duty, as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of Britain. In this duty it is evident that America is no otherwise concerned than as being to

make an advance to that amount, for which it is in her own power amply to indemnify herself at the expence of the foreign consumer.

Another most important relaxation of the principles upon which his majesty's orders proceed, is that which licences the importation of all flour and meal, and all grains, tobacco, and other articles the produce of the soil of America, with the exception of cotton, through the ports of his majesty's dominions, into those of his enemies, without the payment of any duty on the transit. This is, I beg leave to observe, an instance in which his majesty has deprived his measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America. The reason why his majesty could not feel himself at liberty, consistent with what was necessary for the execution of his purpose, in any tolerable degree, to allow this relaxation to apply to cotton is to be found in the great extent to which France has pushed the manufacture of that article, and the consequent embarrassment upon her trade which a heavy impost upon cotton, as it passes through Great Britain to France, must necessarily produce.

I cannot refrain from calling the attention of the government of the United States to the contrast between the different modes in which his majesty's orders and those of France are carried into execution. By his majesty's, the utmost consideration is manifested for the interests of those nations whose commerce he is reluctantly compelled to impede, and ample time allowed for their becoming acquainted with the new regulations, and

conforming to them; whereas France, without any previous notice, and without any interval, applies her orders to trade already entered upon, in ignorance of any such orders, and subjects to condemnation ships, whose voyages, when commenced, were in strict conformity to all the regulations at that time promulgated by France.

Even with these and other modifications, his majesty is not unaware, that a measure extorted from him by the injustice of the enemy must inevitably produce inconveniences to the neutral parties who are affected by its operation.

The right of his majesty to resort to retaliation cannot be questioned. The suffering occasioned to neutral parties is incidental, and not of his majesty's seeking.

In the exercise of this undoubted right, his majesty has studiously endeavoured to avoid aggravating unnecessarily the inconveniences suffered by the neutral. And I am commanded by his majesty especially to represent to the government of the United States the earnest desire of his majesty to see the commerce of the world restored once more to that freedom which is necessary for its prosperity; and his readiness to abandon the system which has been forced upon him, whenever the enemy shall retract the principles which have rendered it necessary: but his majesty entertains the conviction, upon which alone his present measures are founded, that it would be vain to hope for such a retraction, until the enemy shall himself have been made to feel a portion of the evils which he has endeavoured to inflict upon others.

I have the honour to be, with

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great consideration and respect,
sir, your most obedient, humble
servant,

D. M. ERSKINE.

Honourable James Madison,
secretary of state.

LETTER FROM M. CHAMPAGNY
TO GENERAL ARMSTRONG.

Paris, Jan. 15, 1808.

SIR,

The different notes which you have done me the honour to address to me have been laid before his majesty.

The proceedings of England towards all governments are so contrary to the law of nations, and to all the rules so constantly observed, even among enemies, that no recourse against this power is any longer to be found in the ordinary means of repression. In order to annoy her, it is become necessary to turn against her the arms which she makes use of herself; and, if transient inconveniences result therefrom, it is to her alone that they are to be imputed. Since England respects no laws, how could they be respected with regard to her? The maritime laws which she violates, ought they still to be a protection to her? And if some powers tolerate the infractions committed on their independence, could they have the right to require that France alone should restrain herself within the limits which her enemy has every where overleaped?

The United States, more than any other power, have to complain of the aggressions of England. It has not been enough for her to offend against the independence of their flag; nay,

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against that of their territory and of their inhabitants, by attacking them even in their ports, by forcibly carrying away their crews; her decrees of the 11th of November have made a fresh attack on their commerce and on their navigation, as they have done on those of all other powers.

In the situation in which England has placed the continent, especially since her decrees of the 11th of November, his majesty has no doubt of a declaration of war against her by the United States. Whatever transient sacrifices war may occasion, they will not believe it consistent, either with their interest or dignity, to acknowledge the monstrous principle and the anarchy which that government wishes to establish on the seas. If it be useful and honourable for all nations to cause the true maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the United States, who, from the extent of their commerce, have oftener to complain of those violations. War exists then, in fact, between England and the United States; and his majesty considers it as declared from the day on which England published her decrees. In that persuasion, his majesty, ready to consider the United States as associated with the cause of all the powers who have to defend themselves against England, has not taken any definitive measures towards the American vessels which may have been brought into our ports. He has ordered that they should remain sequestered until a decision may be had thereon, according to the

dispositions which shall have been expressed by the government of the United States.

MESSAGES OF THE PRESIDENT
TO CONGRESS.

To the Senate and House of Representatives of the United States.

The states of Pennsylvania, Maryland, and Virginia, having by their several acts consented that the public road from Cumberland to the state of Ohio, authorized by the act of congress of March 29, 1806, should pass through those states, and the report of the commissioners, communicated to congress with my message of January 31, 1807, having been duly considered, I have approved of the route therein proposed for the said road as far as Brownsville, with a single deviation since located, which carries it through Union-town.

From thence the course to the Ohio, and the point within the legal limits at which it shall strike that river, is still to be decided. In forming this decision, I shall pay material regard to the interest and wishes of the populous parts of the state of Ohio, and to a future and convenient connection with the road which is to lead from the Indian boundary near Cincinnati, by Vincennes, to the Mississippi at St. Louis, under authority of the act of April, 1806. In this way we may accomplish a continued and advantageous line of communication from the seat of the general government to St. Louis, passing through several very interesting points of the western country.

I have thought it advisable also to secure from obliteration the trace of the road so far as it has been approved, which has been executed by such considerable expence, by opening one half of its breadth through its whole length.

The report of the commissioners, herewith transmitted, will give particular information of their proceedings under the act of March 29, 1806, since the date of my message of January 31, 1807; and will enable congress to adopt such further measures relative thereto as they may deem proper under existing circumstances.

TH. JEFFERSON.

Feb. 19, 1808.

To the Senate and House of Representatives of the United States.

In the city of New Orleans, and adjacent to it, are sundry parcels of ground, some of them with buildings and other improvements on them, which it is my duty to present to the attention of the legislature. The title to these grounds appears to have been retained in the former sovereigns of the province of Louisiana, as public fiduciaries, and for the purposes of the province. Some of them were used for the residence of the governor, for public offices, hospitals, barracks, magazines, fortifications, levees, &c.; others for the town house, schools, markets, landings, and other purposes of the city of New Orleans; some were held by religious corporations, or persons; others seem to have been reserved for future disposition. To these must be added a parcel called the Batture, which requires more particular

description. It is understood to have been a shoal or elevation of the bottom of the river, adjacent to the bank of the suburbs of St. Mary, produced by the successive depositions of mud during the annual inundations of the river, and covered with water only during those inundations. At all other seasons it has been used by the city, immemorially, to furnish earth for raising their streets and court yards, for mortar, and other necessary purposes, and as a landing or quay for unlading fire wood, lumber, and other articles brought by water. This having been lately claimed by a private individual, the city opposed the claim on a supposed legal title in itself: but it has been adjudged that the legal title was not in the city. It is, however, alleged that that title, originally in the former sovereigns, was never parted with by them, but was retained in them for the uses of the city and province, and consequently has now passed over to the United States. Until this question can be decided under legislative authority, measures have been taken, according to law, to prevent any change in the state of things, to keep the grounds clear of intruders. The settlement of this title; the appropriation of the grounds and improvements formerly occupied for provincial purposes to the same or such other objects as may be better suited to present circumstances; the confirmation of the uses in other parcels to such bodies corporate or private, as may of right, or on other reasonable considerations, expect them, are matters now submitted to the determination of the legislature.

The papers and plans now transmitted will give them such

information on the subject as I possess; and, being mostly originals, I must request that they may be communicated from the one to the other house, to answer the purposes of both.

TH. JEFFERSON.

March 7, 1808.

To the Senate and House of Representatives of the United States.

I have heretofore communicated to congress the decrees of the government of France of November 21, 1806, and of Spain of February 19, 1807, with the orders of the British government of January and November, 1807.

I now transmit a decree of the emperor of France of December 17, 1807, and a similar decree of the third of January last, by his catholic majesty. Although the decree of France has not been received by official communication, yet the different channels of promulgation through which the public are possessed of it, with the formal testimony furnished by the government of Spain in their decree, leave us without a doubt that such a one has been issued. These decrees and orders, taken together, want little of amounting to a declaration, that every neutral nation found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize; and they prove more and more the expediency of retaining our vessels, our seamen, and property within our own harbours, until the dangers to which they are exposed can be removed or lessened.

TH. JEFFERSON.

March 17, 1808.

To the Senate and House of Representatives of the United States.

The scale on which the military establishment at West Point was originally established, is become too limited to furnish the necessary number of well-instructed subjects in the different branches of artillery and engineering, which the public service calls for. The want of such characters is already sensibly felt, and will be increased with the enlargement of our plans of military preparation. The chief engineer, having been instructed to consider the subject, and to propose an augmentation which might render the establishment commensurate with the present circumstances of our country, has made the report, which I now transmit for the consideration of congress.

The idea suggested by him of removing the institution to this place is also worthy of attention. Besides the advantage of placing it under the immediate eye of the government, it may render its benefits common to the naval department, and will furnish opportunities of selecting on better information the characters most qualified to fill the duties which the public service may call for.

TH. JEFFERSON.

March 18, 1808.

A PROCLAMATION.

Whereas information has been received, that sundry persons are combined or combining and confederating together on Lake Champlain and the country thereto adjacent, for the purposes of forming insurrections against the authority

of the laws of the United States, for opposing the same and obstructing their execution; and that such combinations are too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals, by the laws of the United States.

Now, therefore, to the end that the authority of the laws may be maintained, and that those concerned, directly or indirectly, in any insurrection or combination against the same, may be duly warned, I have issued this my proclamation, hereby commanding such insurgents, and all concerned in such combinations, instantly, and without delay, to disperse and retire peaceably to their respective abodes: and I do hereby further require and command all officers having authority, civil or military, and all other persons civil and military, who shall be found within the vicinage of such insurrections or combinations, to be aiding and assisting, by all the means in their power, by force of arms or otherwise, to quell and subdue such insurrections or combinations, to seize upon all those therein concerned, who shall not instantly, and without delay, disperse and retire to their respective abodes; and to deliver them over to the civil authority of the place, to be proceeded against according to law.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Given at the city of Washington, the 19th day of April, 1808; and in the sovereignty and independence of the United States, the thirty-second.

TH. JEFFERSON.

By the president,

JAMES MADISON,

Secretary of State.

LETTER TO THE GOVERNORS OF
ORLEANS, GEORGIA, SOUTH CAROLINA,
MASSACHUSETTS, AND
NEW HAMPSHIRE.

Washington, 6th May, 1808.

The evasions of the preceding embargo laws went so far towards defeating their objects, and chiefly by vessels clearing out coastwise, that congress, by their act of April 25th, authorized the absolute detention of all vessels bound coastwise, with cargoes exciting suspicions of an intention to evade those laws. There being few towns on our sea coast which cannot be supplied with flour from their interior country, shipments of flour become generally suspicious, and proper subjects of detention.

— is one of the few places on our seaboard which needs supplies of flour by sea for its own consumption. That it may not suffer by the cautions we are obliged to use, I request of your excellency, whenever you deem it necessary that your present or any future stock should be enlarged, to take the trouble of giving your certificate in favour of any merchant in whom you have confidence, directed to the collector of any port usually exporting flour, from which he may chuse to bring it, for any quantity which you may deem necessary for consumption beyond your interior supplies, enclosing to the secretary of the treasury, at the same time, a duplicate of the certificate, as a check on the falsification of your signature. In this way we may ensure

a supply of the real wants of your citizens, and at the same time prevent those wants from being made a cover for the crimes against their country, which unprincipled adventurers are in the habit of committing. I trust, too, that your excellency will find an apology for the trouble I propose to give you, in that desire which you must feel, in common with all our worthy citizens, that inconveniences encountered cheerfully by them for the interests of their country shall not be turned merely to the unlawful profits of the most worthless part of society.

I salute your excellency with assurances of my high respect and consideration.

TH. JEFFERSON.

LETTERS TO THE COLLECTORS
OF THE UNITED STATES.

*Treasury Department, 22d
Dec., 1807.*

SIR,

Congress have this day passed an act prohibiting the sailing of ships or vessels from the ports and harbours of the United States to any foreign port or harbour, a copy of which is hereto annexed, and to which your particular and immediate attention is required.

Give notice of the act, on the day on which you will receive this letter, to all foreign vessels in your district, and take efficient measures to prevent them taking any additional cargo on board, such provisions and stores as are necessary for their voyage only excepted.

No vessels whose departure for foreign ports is prohibited by the act, and which are yet within the jurisdiction of the United States,

must be permitted to depart, even though they had previously obtained clearances.

The instructions given in relation to the embargo of 1794 may, so far as they are applicable, be followed until you shall receive further instructions.

I am, respectfully,

Your obedient servant,

ALBERT GALLATIN.

Collector of

*Treasury Department, Dec.
30, 1807.*

The substance of the instructions respecting the embargo of 1794, and alluded to in my circular of the 22d instant, were, that the registers of all vessels deposited with the collectors shall be detained until the expiration of the embargo; and that the surrender of no licence, in order to the proceeding on a foreign voyage, should be received.

I add, by direction of the president, that no sales subsequent to the date of the act must be considered as changing the character of an American vessel, so as to entitle her, under the name of foreign vessel, to the exception provided by the proviso of the first section of the act.

I am, very respectfully, sir,

Your obedient servant,

ALBERT GALLATIN.

Collector of

*Treasury Department, Dec.
31, 1807.*

SIR,

You are instructed by the president, during the continuance of the embargo, first not to exchange registers for licenses; and secondly, whenever, from the nature of

the case of a vessel ostensibly bound coastwise, or from other circumstances, they have reason to believe that she is actually destined for a foreign port, to stop her, and refer the case to him through this department.

No American vessels purchased by foreigners, subsequent to the embargo, can be considered as excepted from the operation of the act. Force may be used to detain vessels.

I am, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

Collector of

LETTER FROM THE SECRETARY
OF THE TREASURY TO THE
CHAIRMAN OF THE COMMIT-
TEE OF WAYS AND MEANS.

*Treasury Department, Dec.
28th, 1807.*

SIR,

I had the honour to receive your letter, requesting my opinion respecting the propriety of continuing, for a limited time, the duties called "the Mediterranean fund."

I believe that, in case of war, the revenue will be so much affected as to render additional duties or taxes necessary: and although the deficiency may not be sensibly felt during the year 1808, it is proper to provide at this time for the year 1809, because the receipts of that year will, in a great degree, depend on the amount of duties accrued during 1808. The non-importation act, or any other measure of a similar nature, will also produce a diminution of revenue, which must be supplied from some other quarter. It is, there-

fore, only in case, not merely of a continuance of peace, but of an adjustment of differences, and of a repeal of commercial prohibitions and restrictions, that we may calculate on a revenue equal to the estimated amount. In the mean while, extraordinary appropriations have already been made; and the rate of expenditure will, during that state of suspense, be necessarily considerably increased.

With that view of the subject, believing the Mediterranean duties to be as eligible, at least, as any other mode of taxation, and it being also more convenient to continue an existing tax than to impose a new one, the continuance of that revenue for a limited time, and whilst the issue of the existing state of affairs remains uncertain, appears to be a provident and wise measure.

As to the amount of the fund itself, I have nothing to add to the information already given. It is evident that it will be affected by any decrease of importation, in the same proportion as the other duties *ad valorem*.

I have the honour to be,

Respectfully, sir,

Your obedient servant,

ALBERT GALLATIN.

*Hon. G. W. Campbell, chairman
of the committee of ways and
means.*

LETTER FROM THE SECRETARY
OF THE TREASURY TO THE
CHAIRMAN OF THE COMMIT-
TEE ON THE PUBLIC LANDS,

*Enclosing a copy of a repre-
sentation from the commission-
ers to investigate land titles
in the Territory of Michigan:*

accompanying a bill supplemental to "an act regulating the grants of land in the Territory of Michigan."

*Treasury Department, Jan.
5, 1808.*

SIR,

I have the honour to enclose a representation from the commissioners appointed to investigate the claims to land in the territory of Michigan. It embraces four points, viz.:

1. An extension of time for entering claims.

2. A repeal of the provision by which no grant can be confirmed to one person for more than one tract of land.

3. A grant in all cases of what is called double concession or continuation, viz., by allowing 80 arpens in the depth instead of 40.

4. A provision in favour of actual settlers, subsequent to the 1st July, 1796, when possession was obtained by the United States.

I have the honour to be,

Respectfully, sir,

Your obedient servant,

ALBERT GALLATIN.

*Hon. John Boyle, chairman of the
land committee in congress.*

*Land Office, Detroit, Sept.
1, 1808.*

We, the undersigned, commissioners of the land board established for the district of Detroit, in the territory of Michigan, take the liberty to submit the following representations, to wit:

1st. That an extent of time be granted for entries of claims to lands in the district of Detroit, because the inhabitants who have neglected to enter their claims with the former commissioners of the land office at Detroit are poor, illiterate,

and uninformed men, many of whom can neither read nor write, and consequently have never been acquainted with their danger, in not entering their claims in due time. With a view to prevent such neglect in future, we have not only advertised in English and French, in every part of this district, but we have obtained from the priest of the parish to read and explain to his Canadian parishioners, the absolute necessity for them to apply to our board to have their claims examined and adjusted; in consequence of which, a great number of them have come before us, whose claims we cannot take cognizance of, because they had not been entered with the former commissioners. They now see their unhappy situation, and are wishing and willing to make all necessary entries, and fully to comply with the law, if congress, in their benevolence, were willing to grant a further time. We have taken every pains in our power to find out the reasons of their non-compliance with the act of congress, and we are happy to have it in our power to assure you, that their neglect proceeds entirely from ignorance and want of information. If one year, or even six months, after the rising of congress were granted for new entries, we truly believe that not a single individual would neglect to secure his claim by an entry with the register. Unfortunately one-third of the inhabitants are in that predicament. We beg leave to observe, sir, that, in case congress should refuse to grant that extent of time, those people will be completely ruined, and would be compelled to leave the country and pass over to the British side, where each of them may receive

gratis, from that government, two hundred acres of land in fee simple; indeed, we know that already offers of this nature have been made to them, which hitherto they have refused, and which they never will accept, if, by a new act of congress, they are allowed to enter their claims, and keep their farms, on proving their title to the same, agreeably to the act of congress of the 3d of March, 1807. We have conversed with a great number of them, have advised them to remain quiet, and have taken upon ourselves to assure them, that, in all probability, you would patronize their prayer, and that they would be made happy.

2. That any claimant possessing more than one farm be entitled to receive a patent for each separate tract he claims, on proving possession and occupancy previous to the first of July, 1796, in conformity to the act of congress of the third of March, 1807. We are fully and unanimously of opinion that this prayer ought to be granted, on the ground of strict justice and equity, especially in cases where the claimant can justify a full consideration paid for each and every farm, and that no one single farm doth contain more than six hundred and forty acres. From every information we have been able to obtain from the record of the former commissioners, and from the best informed and most respectable people in this district, we find that few farms claimed exceed four hundred and eighty arpens; that very few contain that quantity, and that the greatest number of them are considerably under. Our representation at this time does not embrace large tracts granted by the Indian chiefs, on which there is

hardly any improvements, and some of which are still in a state of wilderness; this species of grants will be the subject of a future communication; our object at present is, to recommend the granting of farms, which *bona fide* are improved, built upon, and occupied, and were so previous to the first July, 1796, and for which valuable considerations have been paid.

3. That the old farms on the river Detroit, the greatest number of which contain two or three arpens in front by forty in depth, be extended to an equal depth, to wit, eighty arpens.

In examining with the minutest attention the records of the former commissioners, we find that the old farms on that river were mostly granted by the French government, and that, with a very few exceptions, they generally extend to forty arpens in depth, having two or three arpens in front. In examining and adjusting such of the claims as have come before us, we are confirmed in that opinion. We think it our duty to observe, that those farms have been in cultivation from forty to one hundred years; that the arable land is entirely exhausted, and that most of them are without any timber for making fences, and even for fire-wood; that hitherto the inhabitants have supplied themselves with that essential part of their yearly wants on the lands back of their farms; and that if congress should refuse to extend their farms to eighty arpens in depth, they cannot continue to live on the old ground, and support themselves and their families. We will further observe, that on the other side of the river the British government have not only confirmed to the inhabitants the

possession of their lands, held under an Indian title, but have uniformly granted to each of them what is commonly called the continuation, that is, forty arpens in depth, in addition to the first forty arpens they had in possession. It appears to us that it would be a matter of justice and equity in our government to grant that additional quantity of land to the descendants of the first French settlers, who otherwise would not reap an equal advantage under our government with the new settlers on river aux Raisins, river aux Sables, river aux Roches, river aux Ecorses, and river Rouge, below the city of Detroit, and on river aux Hurons, and river St. Clair, above. In granting this, congress will establish a uniform line back of the farms now settled, and parallel with the river Detroit, and thereby distinguish, in a clear manner, the boundaries of the lands remaining the property of the United States, which may be offered for sale on a future day. We confidently hope that our government will not do less for its citizens than the British government has done for its subjects.

Another article, of minor consideration indeed, but still of importance to several individuals, is, that persons possessing no other improvements than such as have been made since the 1st July, 1796, shall be confirmed in one tract not exceeding acres, which has been occupied and improved previous to the year 1800, or a later period if thought proper by congress. It is found that some valuable farmers commenced their improvements soon after the Americans took possession of this country in 1796, and have bestowed on them much labour, who

must be ruined, if they cannot be permitted to hold them. These appear not to have purchased directly of the Indians, nor with a knowledge of contravening the laws of the United States, but they purchased of men who showed them Indian deeds, and they gave to these men valuable considerations. Some are the sons of the old Canadian settlers, who were obliged to provide for themselves elsewhere than on their paternal farms, which were too small to admit of division. As no land office existed here that was authorized to sell, they had no other opportunity to provide for themselves than to purchase or take up lands in this manner.

STANLEY GRISWOLD,

PETER AUDRAIN,

JAMES ABBOTT,

Commissioners.

To the Secretary of the Treasury.

MEMORIAL OF THE INHABITANTS
OF THE TOWN OF ST. ALBANS.

To Thomas Jefferson, Esq., President of the United States.

To investigate, in a becoming manner, the measures of government, and with republican frankness to ask redress of grievances, are privileges guaranteed by our happy constitution, and of which we as freemen cannot be deprived. Animated with these sentiments, and with ardent wishes for the honour, prosperity, and happiness of their country, your memorialists, inhabitants of the town of St. Albans, in the north-western district of Vermont, beg leave respectfully to represent: that in an agricultural state like this, that part of the

productions, which the inhabitants do not want for their own consumption, is generally rendered valuable only by the commerce of the maritime states; that a people situated as are your memorialists, at so great a distance from the Atlantic sea-ports, must at all times experience many and great commercial disadvantages; that to surmount these, and many other difficulties, incident to their local situation, your memorialists, and their fellow-citizens of this district, have depended alone on their agricultural pursuits, on the manufacture of pot and pearl ashes, and the timber of their forests; that by the persevering toil and unceasing labour of hardy and independent freemen, the gloomy wilderness, which but recently covered this part of the state, and which but a few years since was occupied only by the savage and brute, had given place to agricultural enterprise, and the face of the country, from the lakes and rivers to the heights of the Green Mountain, exhibited the plentiful fruits of industry, from which the cultivators of the soil began to enjoy the good of their labour.

That after the act of congress of the 22d of December last, laying a general embargo on the commerce and shipping of the United States, the inhabitants of this district, no longer finding, in the maritime states, a profitable market for their articles of exportation, turned their attention to Canada, as a commercial intercourse with that place afforded them the only prospect of exchanging their surplus productions for many of the conveniences, and even necessities, of life; that, in the midst of their exertions to realize the advantages which they promised

themselves from that trade, they were unexpectedly arrested by another act of congress of the 12th of March last, prohibiting all commercial intercourse, by water or land, between the citizens of the United States and the adjacent territories of foreign powers; that, from a laudable determination to provide, as far as in their power, against disastrous events, they had employed a great proportion of their property in this trade with Canada. That now, cut off from the only market that could reward their enterprising labours, and from all the prospects arising from this commercial intercourse, let it not be imputed to them as a crime, if, in this hour of adversity, they have indulged that anxiety, despondency, and fear, which are inseparable from their unhappy situation. That the complicated difficulties under which they labour have justly awakened in them a deliberate and manly inquiry into the wisdom and policy of the restrictions, by which those difficulties are occasioned; and that they have with freedom exercised that watchful jealousy, which is ever characteristic of real republicans.

But after an impartial investigation of the subject, so far as they are capable, your memorialists cannot conceive how the object of the general embargo, which was the protection of our "vessels, our seamen, and merchandize upon the high seas," can be any way connected with the provisions of the law of March 12th; or how our "vessels, our seamen, and our merchandize on the high seas" can be exposed to any danger from the belligerent powers of Europe, in consequence of a commercial intercourse, either by land or water, between the citizens of Ver-

mont and Lower Canada, and places in like situations; nor can they be taught, that a law which forbids the exchange of such commodities as they do not want, for the conveniences and necessities of life, and especially for the sinews of war, the gold and silver of that nation, whose injury, it seems, is contemplated by such law, can in any possible degree tend to the welfare of the union.

That however unequal and oppressive the operation of this last act may have been on your memorialists, and the inhabitants of this district generally, yet still they retain a becoming confidence in the measures of administration; neither harbouring nor exciting a spirit of improper disquietude. And your memorialists feel it a duty, which they owe to themselves, and to the good people of this district, to declare on this occasion, that in no part of the union do the citizens entertain more just and noble sentiments of civil liberty, a more ardent and undeviating attachment to the true principles of republican government, or a greater veneration for the majesty of the laws; that, therefore, however grievous may be the burthens under which they labour, still they are mindful of their duty as citizens. That with whatever solicitude they may regard their property, the hard earnings of their industry and labour, and with whatever sensibility they may feel its depreciation or its destruction, yet, to them, the merited appellation of true and faithful citizens is far more valuable, more dear and sacred. That therefore, with new and unspeakable astonishment have they read the president's proclamation of the 19th of April last; by which he appears

to have considered the inhabitants of this district as in a state of insurrection and rebellion against the laws of the union. Your memorialists positively and unequivocally declare, that, in their opinion, the conduct of the citizens of this district had furnished no cause for such proclamation; and that the same must have been issued in consequence of erroneous and unfounded representations, made and transmitted to the executive department of the United States, by some evil-minded person or persons. That if individuals, finding themselves and their families on the verge of ruin and wretchedness, have attempted to evade the embargo restrictions, and have actually accomplished their purpose, this could never furnish a cause for proclaiming to the world that insurrection and rebellion were chargeable on the good people of this district; and with confidence your memorialists declare their belief, that nothing more than this had taken place.

Your memorialists further state, that to a people who stand as a front guard between their country and a foreign kingdom, between the heritage of freemen and the territory of a monarch; the unmerited imputation of insurrection and rebellion is, of all things, the most degrading, the most insupportable; especially when it is considered, that, during the revolutionary struggles with Great Britain, and on all occasions since, when called upon by the government, the green mountain boys have manifested an alacrity of spirit and a promptitude of exertion, that justly and incontestably characterize them as the true supporters of government and law.

In fine, since congress have confided to the wisdom and prudence of the executive of the United States, a discretionary power to remove the restrictions of which your memorialists complain, they present to him their ardent request, that the operation of the aforementioned law of March 12th may be immediately discontinued, pursuant to the power in him reposed. And your memorialists, as in duty bound, will ever pray.

LETTER FROM THE SECRETARY
OF THE TREASURY TO THE
CHAIRMAN OF THE COMMITTEE
OF COMMERCE AND MANUFACTURES.

*Treasury Department, Jan.
16, 1808.*

SIR,

I had the honour to receive your letter of the 12th instant, requesting to be informed whether any inconvenience can arise from an extension of credit for duties on imported goods, as contemplated by the resolution referred, on the 7th instant, by the house of representatives to the committee of commerce and manufactures.

If it was practicable to confine the extension of credit to those articles which *would* have been exported had not the embargo taken place, no inconvenience could arise to the revenue from such extension. But if the indulgence is intended to apply to all the articles which *might* have been exported, the revenue will be sensibly affected.

As it is impossible to ascertain what articles would actually have been exported, I do not perceive

any other practicable mode of granting relief than that which was adopted during the embargo of 1794, viz., a selection of those imported articles only, the greater portion of which is usually re-exported. These are coffee, pepper, sugar, indigo, and cocoa; to which French wines might be added, were they not of so perishable a nature that the deposit would not secure the duties.

It will also be necessary that the deposit should be to the full amount of the goods, for the duties on which an extension of credit is asked; and that the duties should be paid from time to time on any parcel taken by the owner from the public stores.

As connected with this subject, permit me to mention the numerous cases of foreign goods actually put on board of vessels which have been detained by the embargo. It appears to me that, on the one hand, it would be improper to issue debentures and pay drawback on goods which have not been, and may never be exported; whilst, on the other, it would be unjust to require, and perhaps difficult to recover, the immediate payment of duties which may be due on importation of such goods. The extension of credit proposed for coffee, sugar, and pepper might, without any inconvenience, be granted in all those cases, whatever the species of the goods might be; and merchandise, at the option of the owner, either be deposited in the public stores, or remain on board the vessels, under the special care of an inspector.

An examination of the embargo acts induces me to believe, that there are some defects which might be provided for, and which

I embrace this opportunity of mentioning.

I. Vessels not registered nor licensed, and having no sea letters, such as all vessels under five tons, ought, I think, to give a permanent bond, in the manner provided for licensed vessels by the proviso of the 2d section of the supplementary act. This is particularly necessary, in order to prevent infractions of the law on those waters which divide the United States from the British or Spanish colonies.

II. A term should be fixed by law for relanding within the United States the cargoes of vessels clearing from one port to another, making the penalty of the bond to attach, if proof of such landing be not given within such term.

III. It will be very difficult to prove infractions of the law by vessels on the fisheries; nor do I perceive any better means to guard against a part of their *fish-ing fare* being sold on the banks, and only a part being brought into the United States, than the oath of the master and mate on the return of the vessel.

That other effects will be discovered, and difficulties experienced, which are not now foreseen, cannot be doubted. But those three points seem to require immediate attention.

I have the honour to be, respectfully, sir, your obedient servant,

ALBERT GALLATIN.

STATEMENT OF GOODS, WARES,
AND MERCHANDIZE EXPORTED
FROM THE UNITED STATES,
FROM OCTOBER, 1806, TO OCTOBER,
1807.

Treasury Department, Feb.
29, 1808.

SIR,

I have the honour to transmit herewith a statement of goods, wares, and merchandize exported from the United States, during one year prior to the 1st day of October, 1807, and amounting to 108,343,150 dollars.

The goods, wares, and merchandize of domestic growth or manufacture included in this statement, are estimated at \$48,699,592

And those of foreign growth or manufacture at 59,643,558

108,343,150

The foreign goods may be divided into three classes, viz. :

1st. Articles on the importation of which no duty had been collected, they being free of duty, by law, 2,080,114

2d. Articles liable to duty, and which were, on re-exportation thereof, entitled to drawback, 48,205,943

3d. Articles liable to duty, but which were not, on re-exportation, entitled to drawback, 9,357,501

59,643,558

The duties collected on the importation of the articles of the third class, and which, not being paid by consumers within the United States, are derived directly from the carrying trade, amount to 1,393,877 dollars, exclusive of the

additional duties designated by the name of "Mediterranean fund."

The articles of domestic growth or manufacture, exported during the period aforesaid, may be arranged under the following heads, viz. :

Produce of the sea,	\$2,804,000
Forest,	5,476,000
Agriculture,	37,832,000

Manufactures,	2,409,000
Uncertain,	179,000

48,700,000

I have the honour to be,
With great respect, sir,
Your obedient servant,

ALBERT GALLATIN.

*The honourable the Speaker of the
House of Representatives.*

Statement of Exports, the produce and manufacture of the United States, commencing the first of October, 1806, and ending the 30th September, 1807.

SPECIES OF MERCHANDIZE.

QUANTITY OR VALUE.

Fish, dried or smoked,	quintals	473,924
Pickled,	barrels	57,621
Ditto,	kegs	13,743
Oil, spermaceti,	gallons	44,339
Whale and other fish,	do.	932,797
Whalebone,	pounds	104,635
Spermaceti candles,	do.	172,132
Wood—Staves and headings,	M.	37,701
Shingles,	do.	76,890
Hoops and poles,	do.	3,621
Boards, plank, and scantling,	M. feet	79,424
Hewn timber,	tons	48,855
Lumber of all kinds,	dollars	90,469
Masts and spars,	do.	21,084
Oak bark and other dyes,	do.	19,064
All manufactures of wood,	do.	191,792
Naval stores—Tar,	barrels	59,282
Pitch,	do.	5,099
Rosin,	do.	3,802
Turpentine,	do.	53,451
Ashes, pot,	tons	5,852
Pearl,	do.	2,773
Skins and furs,	dollars	851,609
Ginseng,	pounds	368,207
Beef,	barrels	84,209
Pork,	do.	39,274
Hams and bacon,	pounds	1,311,246
Tallow,	do.	53,115
Butter,	do.	1,963,480
Cheese,	do.	879,697
Lard,	do.	1,815,998
Hides,	number	4,801
Horned cattle,	do.	8,148

Horses,	number	4,750
Mules,	do.	704
Sheep,	do.	5,698
Hogs,	do.	1,831
Poultry,	dozens	2,951
Wheat,	bushels	1,173,114
Indian corn,	do.	612,421
Rye,	do.	6,650
Oats,	do.	65,277
Barley,	do.	4,893
Buckwheat,	do.	66
Beans,	do.	22,226
Peas,	do.	25,891
Potatoes,	do.	97,694
Apples,	barrels	9,327
Flour,	do.	1,249,819
Meal, rye,	do.	29,067
Indian,	do.	136,460
Buckwheat,	do.	30
Ship stuff,	cwt.	2,580
Biscuit or ship bread,	barrels	102,431
Ditto,	kegs	37,157
Rice,	tierces	94,692
Indigo,	pounds	18,097
Cotton, Sea Island,	do.	8,926,011
Other,	do.	55,018,448
Tobacco,	hhds.	62,232
Flaxseed,	bushels	301,242
Hops,	pounds	20,492
Mustard,	do.	3,817
Wax,	do.	318,636
Household furniture,	dollars	113,571
Coaches and other carriages,	do.	25,390
Hats,	do.	89,653
Saddlery,	do.	14,252
Beer, porter, and cider, in casks,	gallons	185,359
in bottles,	dozens	10,794
Boots,	pairs	8,053
Shoes, silk,	do.	4,068
Leather,	do.	119,464
Candles, tallow,	pounds	1,562,847
Wax,	do.	361
Soap,	do.	2,317,398
Starch,	do.	24,870
Hair powder,	do.	2,483
Snuff,	do.	46,077
Tobacco manufactured,	do.	228,875
Leather,	do.	336,414
Maple and other brown sugar,	do.	17,400
Bricks,	M.	837

Spirits from grain,	gallons	32,767
Bark, essence,	do.	25
Linseed oil,	do.	5,037
Spirits of turpentine,	do.	8,146
Canvas and sail cloth,	pieces	100
Cable and cordage,	cwt.	6,745
Cards—Wool and cotton,	dozen	2,007
Iron—Pig,	tons	114
Bar,	do.	132
Nails,	pounds	336,321
Castings,	dollars	55,394
All other manufactures of iron and steel,	do.	41,239
Spirit from molasses,	galls.	765,916
Sugar, refined,	pounds.	122,586
Chocolate,	do.	11,389
Gunpowder,	do.	80,287
Copper, or brass and copper manufactured,	dollars.	12,742
Medicinal drugs,	do.	16,724
Merchandise and other articles not enumerated.		
Manufactured,	do.	289,092
Raw produce,	do.	178,740
Total value of the foregoing statement,	dollars.	48,699,592

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Summary of Exports, with their value.

THE SEA, 2,804,000

1. Fisheries.

Dried fish or cod fishery,	1,896,000
Pickled do. or river fishery, herring, shad, salmon, mackarel,	302,000
Whale (common) oil, and bone,	476,000
Spermaceti oil and candles,	130,000

THE FOREST, 5,476,000

2. { Skins and furs,
 { Ginseng,

852,000
143,000

3. Product of wood.

Lumber (board, staves, shingles, hoops and poles, hewn timber, masts, &c.),	2,637,000
Oak bark, and other dyes,	19,000
Naval stores (tar, turpentine, pitch, rosin, &c.),	335,000
Ashes, pot and pearl,	1,490,000

AGRICULTURE, 37,832,000

4. Produce of animals.

Beef, tallow, hides, live cattle,	1,108,000
Butter and cheese,	490,000
Pork, pickled bacon (live hogs),	1,157,000
Horses and mules,	317,000
Sheep,	14,000

5. Vegetable food.	
Wheat, flour, and biscuit,	10,753,000
Indian corn and meal,	987,000
Rice,	2,367,000
All other (rye, oats, pulse, potatoes, apples, &c.),	325,000
6. Tobacco,	5,476,000
7. Cotton*,	14,232,000
8. All other agricultural products.	
Indigo,	27,000
Flaxseed,	452,000
Brown sugar,	2,000
Hops,	3,000
Wax,	108,000
Various items (poultry, flax, mustard, &c.),	14,000

Value of the Exports from each State, for the year 1807.

	<i>Domestic.</i>	<i>Foreign.</i>	<i>TOTAL.</i>
New Hampshire	365,950	314,072	680,022
Vermont	148,469	55,816	204,285
Massachusetts	6,185,748	13,926,377	20,112,125
Rhode Island	741,988	915,576	1,657,564
Connecticut	1,519,083	105,644	1,624,727
New York	9,957,416	16,400,547	26,357,963
New Jersey	36,063	5,123	41,186
Pennsylvania	4,809,616	12,055,128	16,864,744
Delaware	77,695	151,580	229,275
Maryland	4,016,699	10,282,285	14,298,984
* District of Columbia	1,363,352	83,026	1,446,378
Virginia	4,393,521	367,713	4,761,234
North Carolina	740,933	4,229	745,162
South Carolina	7,129,365	3,783,199	10,912,564
Georgia	3,710,776	34,069	3,744,845
Ohio	28,889	—	28,889
† Territory of the United States	3,444,029	1,159,174	4,603,203
TOTAL	48,669,592	59,643,558	108,313,150
* Georgetown	259,959	4,557	264,516
Alexandria	1,103,393	78,469	1,181,862
† Michigan	311,947	—	311,947
New Orleans	3,131,381	1,159,174	4,290,555
Mississippi (Mobbille)	701	—	701

* Sea island cotton valued at 30 cents per lb.

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Summary of Exports from the United States for five years.

PRODUCE	1803	1804	1805	1806	1807
Of the sea	2,635,000	3,420,000	2,884,000	3,116,000	2,804,000
Of the forest	4,820,000	4,630,000	5,261,000	4,861,000	5,476,000
Of agriculture	32,995,000	30,890,000	31,562,000	32,375,000	37,832,000
Of manufactures	1,655,000	2,100,000	2,525,000	2,707,000	2,120,000
Miscellaneous	300,000	430,000	155,000	445,000	468,000
Total domestic	42,405,000	41,470,000	42,387,000	43,504,000	48,700,000
Foreign articles	13,585,073	36,231,597	53,179,021	60,283,236	59,643,558
Total exported	55,990,073	77,701,597	95,566,021	103,787,236	108,343,558

REPORT OF THE SECRETARY OF THE TREASURY TO THE COMMISSIONERS OF THE SINKING FUND.

The secretary of the treasury respectfully reports to the commissioners of the sinking fund,

That the balance remaining unexpended at the close of the year 1805, and applicable to payments falling due after that year, which balance amounted to

1,647,475 89

Together with the disbursements made during the year 1806, out of the treasury, on account of the principal and interest of the public debt, which disbursements amounted to

8,948,006 90

And with a further sum, arising from a profit on the remittances from America to Europe, purchased in the year 1806, which profit amounted to

35,697 77

And also with a farther sum, arising from the difference between the amount in stock of the public debt purchased by the commissioners of the sinking fund in the year 1806, and the monies applied to the said purchases, amounting to

437 96

\$10,631,618 52

Have been accounted for in the following manner, viz. :

- I. There was paid into the treasury, during the year 1806, on account of the principal of protested bills, a sum of

6,000

II. The sums actually applied during the same year to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to the treasury department, amount to eight millions, seven hundred and thirty nine thousand, two hundred and sixty dollars, and forty-two cents, viz.:

1. Paid in reimbursement of the principal of the debt, 4,828,479
2. Paid on account of the interest and charges on the same, 3,910,781 42

8,739,260 42

III. The balance remaining unexpended at the close of the year 1806, and applicable to payments falling due after that year, as ascertained by accounts rendered to the treasury department, amounted to

1,886,358 10

\$10,631,618 52

That, during the year 1807, the following disbursements were made out of the treasury, on account of the principal and interest of the public debt, viz.:

I. On account of the reimbursement and interest of the domestic debt,

5,833,441 32

II. On account of the domestic unfunded debt,

2,119 53

III. On account of the principal and interest of the foreign debt, and of the interest on the Louisiana stock,

511,904 99

Amounting altogether to

\$6,347,465 84

Which disbursements were made out of the following funds, viz.:

I. From the funds constituting the annual appropriation of eight millions of dollars for the year 1807, viz.:

From the fund arising from the interest on the debt transferred to the commissioners of the sinking fund,

958,292 04

From the funds arising from the sale of public lands, being the amount of monies paid into the treasury from the 1st of October, 1806, to the 30th of September, 1807,

654,319 39

From the proceeds of duties on goods, wares, and merchandize imported,

and on the tonnage of ships or vessels,	4,672,068 06	
Amounting altogether to		6,284,679 49
Which sum of	6,284,679 49	
together with the sum advanced dur- ing the year 1806, on account of the appropriation for the year 1807, and amounting, as appears by the last annual report, to	1,003,790 70	
Makes in the whole,	7,288,470 19	
Leaving, at the close of the year 1807, an unexpended balance of	711,529 81	
to complete the annual appropria- tion of	8,000,000 00	
dollars for the year 1807.		
II. From repayments into the treasury, on account of remittances purchased for providing for the foreign debt, and of advances made to commission- ers of loans, and to agents for the purchase of the public debt, viz., Repayments of the purchase money and advances,	61,189 66	
Damages and interest recovered,	364 54	
		61,554 20
III. From the monies appropriated by law for paying commissions to agents employed in the purchase of remittances for the foreign debt, being the amount paid at the treasury, during the year 1807, for that object,		1,232 15
		6,347,465 84
That the above-mentioned disbursements, together with the above-stated balance of		1,886,358 10
Which remained unexpended at the close of the year 1806, and with a sum arising from profit on remittances from America to Europe, pur- chased in the year 1807, and amounting to		9,427 58
And amounting altogether to		8,243,251 52
Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to the treasury department.		

*That in the mean while the manner in which the said sum has been af-
flicted is estimated as followeth :*

I. The repayments into the treasury, on account of principal, have, during the year 1807, amounted to	61,189 66
II. The sums actually applied during the year 1807 to the principal and interest of the public debt, are estimated as followeth:	
1. Paid in reimbursement of the principal of the public debt,	3,729,163 39
2. Ditto on account of interest and charges on the same,	3,633,408 66
	<hr/>
	7,362,572 05
III. The balance remaining unexpended at the close of the year 1807, and applicable to payments falling due after that year, is estimated at	819,489 81
	<hr/>
	\$8,243,251 52

That, in conformity with the proceedings and resolutions of the commissioners of the sinking fund of the 23d of March, 1807, 866,700 dollars, eight per cent. stock, were purchased for 890,520 dollars and 75 cents specie, and 300,007 dollars 62 cents, exchanged six per cent. stock, were purchased for 293,454 dollars and 22 cents specie.

That the whole of the unexpended balance of the annual appropriation of eight millions of dollars for the year 1807, and amounting, as above stated, to 711,529 dollars and .81 cents, will be wanted in aid of the annual appropriation of eight millions of dollars for the present year, for the purpose of effecting the payments on account of interest on the public debt, and of reimbursing the stock bearing an interest of eight per cent., which becomes redeemable on the first day of January, 1809.

And that the statement (H) exhibits the amount of stock transferred to the commissioners of the sinking fund, in trust for the United States, to the 31st of December, 1807, including the sum of 5,934 dollars and 24 cents, transferred in the year 1807, in payment for public lands.

All which is respectfully submitted.

ALBERT GALLATIN.

Treasury Department, February 4, 1808.

STATEMENT OF THE PUBLIC DEBT ON THE 1ST OF JANUARY
OF EACH YEAR, FROM 1791 TO 1807, RESPECTIVELY.

Treasury Department, April 9, 1808.

SIR,

I have the honour to transmit a statement of the public debt on the first days of January, 1791, 1807, respectively, together with sundry explanatory statements and notes, prepared in pursuance of the resolution of the house of representatives of the 8th of January, 1807.

The amount of the public debt of the United States unprovided for, on the days above mentioned, respectively, and also the estimated amount of the said debt on the first day of January, 1808, together with the progress and decrease of the same during certain periods, will appear from the following table:

	Amount of debt.	Year.	Increase.	Decrease.
1st January,	1791—75,169,974 21	1791	2,418,023 72	
	1792—76,373,767 16	1792		
	1793—77,587,997 93	1793		1,591,827 37
	1794—75,996,170 56	1794	5,646,102 40	
	1795—78,149,937 83	1795		
	1796—81,642,272 96	1796		
	1797—80,934,023 54	a		4,242,363 61
	1798—78,494,165 75	1798		
	1799—77,499,909 35	1799	4,600,258 01	
	1800—81,633,325 74	1800		
	1801—82,000,167 36	1801		7,268,244 51
	1802—78,754,568 70	1802		
	1803—74,731,922 85	1803	10,621,720 37	
	1804—85,353,643 22	1804		
	1805—80,534,058 65	a		20,653,643 22
	1806—74,542,957 62			
	1807—67,731,645 62	1807		
	1808—64,700,000 00			

During the first ten years of that period the debt had encreased near seven millions of dollars. It has been diminished near seventeen millions during the last seven years.

I have the honour to be, &c.,

ALBERT GALLATIN.

The Hon. the Speaker of the House of Representatives.

LETTERS TO THE COLLECTORS OF THE UNITED STATES.

*Treasury Department, May
6, 1808.*

SIR,

I informed you, in my letter of the 28th ult., that the president considered "unusual shipments," particularly of flour and other provisions, of lumber and naval stores, as sufficient cause for detention of the vessel; pot and pearlsashes and flax-seed ought to have been added to the list. But he has given it in charge to me to call your attention still more forcibly to that object. As it was the great lead-

ing object of the legislature in giving the power of detention, he considers it his duty in the execution of it, to give complete effect to the embargo laws. He recommends, therefore, that every shipment of the above articles, for a place where they cannot be wanted for consumption, should be detained. He perceives no necessity at present for the transportation of flour and similar articles from one port of the Chesapeake and its waters, to another port on the waters of the same bay; or from any port whatever to ports in the Chesapeake, Delaware, or Hudson, or to other places which export

such articles. And in order to prevent the inconvenience which the want of a sufficient supply might occasion in some states, he has written a letter to the governors of New Hampshire, Massachusetts, South Carolina, Georgia, and Orleans, a copy of which is, by his order, enclosed for your information.

In order that he also may be enabled to judge of the manner in which the law and his instructions are carried into effect, you will be pleased to transmit weekly to this department, a statement of the vessels laden with articles of domestic produce, which shall have departed from the district during the week, showing the species and quantities of articles and the port of destination. Vessels not masted, or decked packets, and ferry boats, vessels which give no bonds, and those employed in carrying firewood, manure, stones, and similar articles, need not be inserted in the statement.

I am, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

To the Collector of

Treasury Department, May 8, 1808.

SIR,

Finding that a much more rigid construction has been put in some of the districts than in others, on that part of the circular of the 6th inst. which relates to the transportation of flour and other provisions from one port of the Chesapeake to another port on the waters of the same bay, it is proper to state that it was not thereby intended to convey an opinion that such transportation was, without any exception whatever, unnecessary, and a sufficient cause of detention.

Amongst those exceptions may be reckoned the following:

1. The usual intercourse on the same river, though that river may include several districts, should not be interrupted.

2. Towns and districts which have usually received their supplies of certain articles of provisions from other districts on the waters of the bay, should continue to receive their usual supplies.

3. Flour, &c., purchased by persons residing in another district, previous to the receipt of the above-mentioned circular, may be taken to the district where it is owned.

4. Planters and others should be permitted to send their produce to that city or district which has been their usual market, or to which they have usually sent it as a remittance.

I am, very respectfully, sir, your obedient servant,

ALBERT GALLATIN.

To the Collector of

LETTER FROM THE SECRETARY
AT WAR TO THE PRESIDENT
OF THE UNITED STATES.

*War Department, Feb. 24,
1808.*

SIR,

I take the liberty of suggesting whether, under existing circumstances, it would not be advisable to propose to congress an augmentation of our regular troops as soon as practicable; and also the engaging and organizing of twenty-four thousand volunteers, on the principle I had the honour of proposing for your consideration, the general outlines of which are contained in the paper marked No. 1.

The number of regular troops I would propose being raised immediately, is six thousand, to be composed of suitable proportions of infantry, artillery, cavalry, and riflemen, and organized as stated in the enclosed paper, marked No. 2.

It may be presumed, that, previous to the close of the present session, congress will be possessed of such farther information, in regard to our foreign relations, as will be necessary for forming an ultimate opinion on the expediency or inexpediency of a greater augmentation of our army than is now proposed; and, in the mean time, measures may be taken for the recruiting service in different parts of the United States.

In the event of war, it will, I presume, be considered necessary to arrange our military force into separate departments, and to have a commander to each department, and of course to have no such officer as a commander in chief; and, until a larger army shall be raised than is now proposed, it may not be advisable to have any officers above the rank of brigadier-generals; of that grade it may be proper to have four or five, as soon as a suitable proportion of the troops is raised.

With sentiments of the highest respect, I am, sir, your humble servant,

H. DEARBORN.

The President of the United States.

No. 1.

It is proposed to have engaged, in the several states and territories, twenty-four thousand volunteers, to be enlisted to serve twelve

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months in any twenty-four months, within the term of five years, at such times and places as the president of the United States shall direct, to be armed and equipped by the United States; and to be regularly encamped in their respective states and territories from two to three months in each year, and be exercised under the direction of inspectors to be appointed by the president of the United States; to receive pay and rations, and be furnished with camp equipage, and one suit of uniform clothing once in three or four years; the officers, except the inspectors and paymasters, to be appointed by the respective states; the pay, annually to commence the day they march for the respective encampments, and to continue until their return home, allowing one day for each twenty miles' march to and from the encampments; no corporal punishments to be inflicted, but all offences to be punished by close confinement and short allowance, or fines, or both; the commissioned officers to be governed by the rules and articles of war, established for the regular army; the twenty-four thousand to be apportioned on the states and territories, in such proportion as circumstances may require, and in such proportions of infantry, artillery, cavalry, and riflemen, as the president of the United States shall direct; and organized into companies, battalions, regiments, and brigades, or other corps, as shall be found expedient, according to the numbers in each state respectively; and to be encamped in the respective states and territories, at such time and place, or places, as the president of the United States shall from time to time direct.

3 N

No. 2.

The six thousand regular troops may consist of five regiments of infantry, one regiment of riflemen, one regiment of light artillery, and one regiment of light cavalry.

The regiments of infantry, riflemen, and artillery to consist of ten companies each, and the regiment of cavalry of eight companies. The field and staff of each regiment to consist of one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one quartermaster-sergeant, and two principal musicians; and the regiment of cavalry, one riding master.

Each company of infantry and riflemen to consist of one captain, one first lieutenant, one second lieutenant, one ensign, four sergeants, four corporals, four musicians, and sixty-eight privates.

Each company of artillery to consist of one captain, one first lieutenant, one second lieutenant, two cadets, four sergeants, four corporals, four musicians, eight artificers, and fifty-eight privates.

Each company of cavalry to consist of one captain, one first lieutenant, one second lieutenant, one cornet, four sergeants, four corporals, two musicians, one saddler, one farrier, and thirty-eight privates.

LETTER FROM THE ATTORNEY-GENERAL, ACCOMPANYING THE BILL TO PUNISH CONSPIRACIES TO COMMIT TREASON

AGAINST THE UNITED STATES.
PRESENTED THE SECOND OF
MARCH.

December 2, 1807.

SIR,

The questions proposed in your letter of the 24th ult. embrace an important and delicate subject. I have given them that contemplation they justly merit, and respectfully submit the result of my reflections.

The sentiment expressed by an able and enlightened writer, that every punishment which is not necessary for the peace or safety of society is unjust, I believe to be perfectly correct. When revising any part of the penal code, for the purpose of discovering its defects, and of enlarging the sphere of criminality, we should proceed with caution and prudence; and we should not add to the catalogue of offences, unless on sufficient grounds.

Feeling the just influence of these remarks, and reluctant as I am to increase the list of crimes, I think experience has evinced the necessity of some further provisions, to preserve the peace of the United States against the enterprises of designing and ambitious men.

The next question imposes a task difficult: the mode in which the deficiency may be effectually remedied. This subject opens a wide field for discussion, and admits of great diversity of opinion.

It is with no personal satisfaction that I propose to the consideration of the committee, the propriety of punishing combinations and conspiracies for the purpose of committing treason against

the United States. The constitution has wisely defined the crime of treason; but it must be obvious that, before this crime be consummated by an overt act of levying war, the public peace may be disturbed, and the public safety endangered, by the previous preparations for such an event. Though in various parts of the union conspirators who intend the destruction of our government are preparing the means to accomplish their object, by providing arms, ammunition, and warlike stores, they are subject to no punishment by the existing laws, unless war has actually been levied by them against the United States. It would seem therefore essential to the preservation of the public peace, that a conspiracy to commit treason against the United States should be punished in such a manner as will be most likely to reform the criminal, and to deter others from the commission of the same offence. Perhaps a proper part of the judgment would be to render offenders incapable of holding any office of honour, profit, or trust under that government which they conspire to destroy.

The law relative to enterprizes begun or set on foot within the bosom of our own country, against a nation with whom we are at peace, merits revision, and will require some amendments. The object of this law is a salutary one; but its language not defining with sufficient accuracy and certainty the offences, has given birth to much dispute, as to its legal and proper construction. Enterprizes against nations at peace with us have been too frequently projected not to call the serious attention

of the legislature to this interesting subject.

Let me also recommend "the employment of means for the benevolent purpose of preventing crimes," to use the language of judge Wilson.

The only law of the United States on this subject will be found in the fourth volume of the acts of congress, page 231. This is conceived in very general terms, and authorizes security of the peace, or for good behaviour, to be taken in cases arising under the constitution and laws of the United States, in the same manner as under the laws of the several states. In some respects the provision may, in practice, be incompatible with the constitution of the United States. By one of the amendments which form a part of that instrument, no person can be arrested or committed unless upon oath; in some of the states whose constitutions have not a similar provision, and where the common law is in force, an oath may not be considered as absolutely necessary.

An act of congress specifically providing, in all cases where it should be made to appear on oath, that there were just grounds and probable cause to believe, that any person was about to commit a crime against the United States, he should be compelled to give security of the peace, or for his good behaviour, would be a prudent measure, calculated to secure the public tranquillity. The law might be so guarded as to prevent its being used to the oppression of individuals.

I have the honour to be, sir,
yours, very respectfully,

C. A. RODNEY.

LETTER FROM THE SECRETARY OF STATE, TRANSMITTING AN
ABSTRACT OF THE NUMBER OF SEAMEN REGISTERED IN THE
SEVERAL COLLECTION DISTRICTS OF THE UNITED STATES, FOR
THE YEARS 1806 AND 1807.

Department of State, February 29, 1808.

SIR,

In obedience to a resolution of the house of representatives of the 9th ultimo, I have the honour to lay before them the enclosed abstract of seamen registered in the several collection districts of the United States, for the years 1806 and 1807, in pursuance of the act for the relief and protection of American seamen.

I have the honour to be, sir,

With great respect, your most obedient servant,

JAMES MADISON.

*The Honourable the Speaker of the
House of Representatives.*

DISTRICTS.	1806.	1807.	Total.
Portsmouth, for the year,	294	237	531
Biddleford and Pepperelboro', for the year,	48	38	86
Waldoborough, for the year,	-	110	110
Frenchman's Bay, first quarter,	1	-	1
Newburyport, for the year,	48	284	332
Wiscasset, 1st, 2d, and 3d quarters,	101	-	101
Kennebunk, for the year,	98	71	169
Penobscot, 1st, 2d, and 3d quarters,	134	79	213
Plymouth, for the year,	249	203	452
Portland and Falmouth, for the year,	593	396	989
Barnstable, for the year,	208	238	446
Marblehead, 2d and 4th quarters,	113	154	267
Salem and Beverly, 1st, 2d, and 4th quarters,	358	179	537
Ipswich, 1st, 2d, and 4th quarters,	-	26	26
Boston and Charlestown, for the year,	1,001	679	1,680
Bath, for the year,	254	212	466
Nantucket, for the year,	230	86	316
Gloucester, for the year,	160	111	271
New Bedford, for the year,	261	154	415
Newhaven, for the year,	301	223	524
Dighton, 1st, 3d, and 4th quarters,	27	19	46
Providence, 2d, 3d, and 4th quarters,	240	154	394
Bristol, for the year,	77	70	147
Newport, for the year,	260	212	472
York, 1st and 4th quarters,	3	4	7
Fairfield, 3d and 4th quarters,	32	8	40
New London, for the year,	461	327	788
Hudson, 1st and 3d quarters,	14	29	43
New York, 1st, 3d, and 4th quarters,	1,094	1,118	2,212

Philadelphia, for the year,	1,614	1,488	3,102
Delaware, for the year,	26	12	38
Baltimore, for the year,	1,043	774	1,817
Alexandria, for the year,	87	115	202
Dumfries, 4th quarter,	1	2	3
Petersburg, 3d and 4th quarters,	13	16	29
Norfolk and Portsmouth, for the year,	506	91	597
Washington, 1st, 2d, and 4th quarters,	90	78	168
Edenton, 1st, 2d, and 4th quarters,	39	45	84
Wilmington, 2d and 3d quarters,	-	72	72
Mississippi, for the year,	627	319	946
Total			19,139

RETURN OF ELECTORS IN THE STATE OF NEW YORK, AS MADE TO
THE SECRETARY'S OFFICE, PURSUANT TO LAW.

COUNTIES.	Electors possessed of freeholds of the value of 100%.	Electors possessed of freeholds of the value of 20%.	Electors renting tenements of the yearly value of 40%.
New York	3000	20	9334
Richmond	513	45	153
King's	584	5	408
Queen's	1891	178	638
Suffolk	2610	142	507
Westchester	2657	96	906
Dutchess	4191	179	2382
Rockland	766	65	153
Orange	2583	123	1109
* Ulster	2313	243	894
Delaware	1493	160	806
† Greene	1400	88	617
Columbia	2968	91	1466
Rensselaer	3103	123	1502
Washington	3289	164	1585
Essex	517	214	510
Clinton	688	87	583
Saratoga	2997	139	1290
Albany	3745	178	2156
Schoharie	1468	146	783
Montgomery	3512	220	1484

* Marlborough, Lumberland, and Warwassing not returned.

† Durham not returned.

Herkimer	1722	55	1197
Oneida	3501	357	1550
Otsego	3254	378	1228
Chenango	1570	333	841
Tioga	485	39	565
Onondaga	2331	227	1134
Cayuga	2236	338	1123
Seneca	912	110	582
Ontario	2806	297	1786
Steuben	250	23	647
St. Lawrence	616	151	93
Genesee	477	128	1368
Lewis	574	72	450
Jefferson	835	239	914
Broome	483	69	349
Madison	2220	246	521
Allegany	66	00	278
Total,	70626	5768	43883

RECAPITULATION.

Southern district,	11255	486	11946
Middle district,	15744	949	7427
Eastern district,	17861	1125	9110
Western district,	25806	3208	15400
Total,	70626	5768	43883

REPORT OF THE SECRETARY OF
THE TREASURY, ON THE SUB-
JECT OF PUBLIC ROADS AND
CANALS.

*Made in pursuance of a resolution
of the Senate, of March 2d,
1807.*

The general utility of artificial roads and canals is at this time so universally admitted, as hardly to require any additional proofs. It is sufficiently evident that, whenever the annual expence of transportation on a certain route, in its natural state, exceeds the interest on the capital employed in im-

proving the communication, and the annual expence of transportation (exclusively of the tolls), by the improved route, the difference is an annual additional income to the nation. Nor does in that case the general result vary, although the tolls may not have been fixed at a rate sufficient to pay to the undertakers the interest on the capital laid out. They, indeed, when that happens, lose; but the community is nevertheless benefited by the undertaking. The general gain is not confined to the difference between the expences of the transportation of those articles which had been formerly

conveyed by that route, but many which were brought to market by other channels will then find a new and more advantageous direction; and those which, on account of their distance or weight, could not be transported in any manner whatever, will acquire a value, and become a clear addition to the national wealth. These and many other advantages have become so obvious, that, in countries possessed of a large capital, where property is sufficiently secure to induce individuals to lay out that capital on permanent undertakings, and where a compact population creates an extensive commercial intercourse, within short distances, those improvements may often, in ordinary cases, be left to individual exertion, without any direct aid from government.

There are, however, some circumstances, which, whilst they render the facility of communications throughout the United States an object of primary importance, naturally check the application of private capital and enterprize to improvements on a large scale.

The price of labour is not considered as a formidable obstacle, because, whatever it may be, it equally affects the expence of transportation, which is saved by the improvement, and that of effecting the improvement itself. The want of practical knowledge is no longer felt; and the occasional influence of mistaken local interests, in sometimes thwarting or giving an improper direction to public improvements, arises from the nature of man, and is common to all countries. The great demand for capital in the United States, and the extent of territory compared with the population,

are, it is believed, the true causes which prevent new undertakings, and render those already accomplished less profitable than had been expected.

1. Notwithstanding the great increase of capital during the last fifteen years, the objects for which it is required continue to be more numerous, and its application is generally more profitable than in Europe. A small portion, therefore, is applied to objects which offer only the prospect of remote and moderate profit. And it also happens that a less sum being subscribed at first than is actually requisite for completing the work, this proceeds slowly; the capital applied remains unproductive for a much longer time than was necessary, and the interest, accruing during that period, becomes in fact an injurious addition to the real expence of the undertaking.

2. The present population of the United States, compared with the extent of territory over which it is spread, does not, except in the vicinity of the sea-ports, admit that extensive commercial intercourse within short distances, which, in England and some other countries, forms the principal support of artificial roads and canals. With a few exceptions, canals particularly, cannot in America be undertaken with a view solely to the intercourse between the two extremes of, and along the intermediate ground which they occupy. It is necessary, in order to be productive, that the canal should open a communication with a natural extensive navigation, which will flow through that new channel. It follows that, whenever that navigation requires to be improved, or when it might at some distance be connected by another

canal to another navigation, the first canal will remain comparatively unproductive, until the other improvements are effected, until the other canal is also completed. Thus the intended canal between the Chesapeake and Delaware will be deprived of the additional benefit arising from the intercourse between New York and the Chesapeake, until an inland navigation shall have been opened between the Delaware and New York. Thus the expensive canals completed around the falls of Potomac will become more and more productive, in proportion to the improvement, first, of the navigation of the upper branches of the river, and then of its communication with the western waters. Some works already executed are unprofitable, many more remain unattempted, because their ultimate productiveness depends on other improvements, too extensive or too distant to be embraced by the same individuals.

The general government can alone remove these obstacles.

With resources amply sufficient for the completion of every practicable improvement, it will always supply the capital wanted for any work which it may undertake, as fast as the work itself can progress, avoiding thereby the ruinous loss of interest on a dormant capital, and reducing the real expence to its lowest rate.

With these resources, and embracing the whole union, it will complete, on any given line, all the improvements, however distant, which may be necessary to render the whole productive, and eminently beneficial.

The early and efficient aid of the federal government is recommended by still more important

considerations. The inconveniences, complaints, and perhaps dangers, which may result from a vast extent of territory, can no otherwise be radically removed, or prevented, than by opening speedy and easy communications through all its parts. Good roads and canals will shorten distances, facilitate commercial and personal intercourse, and unite, by a still more intimate community of interests, the most remote quarters of the United States. No other single operation, within the power of government, can more effectually tend to strengthen and perpetuate that union, which secures external independence, domestic peace, and internal liberty.

With that view of the subject, the facts respecting canals, which have been collected in pursuance of the resolution of the senate, have been arranged under the following heads:

1. Great canals, from north to south, along the Atlantic sea-coast.

2. Communications between the Atlantic and western waters.

3 Communications between the Atlantic waters and those of the great lakes and river St. Lawrence.

4. Interior canals.

Great canals along the Atlantic sea-coast.

The map of the United States will show that they possess a tide-water inland navigation, secure from storms and enemies, and which, from Massachusetts to the southern extremity of Georgia, is principally, if not solely, interrupted by four necks of land. These are the isthmus of Barnstable; that part of New Jersey which ex-

tends from the Rariton to the Delaware; the peninsula between the Delaware and the Chesapeake; and that low and marshy tract which divides the Chesapeake from Albemarle sound. It is ascertained that a navigation for sea vessels, drawing eight feet of water, may be effected across the three last; and a canal is also believed to be practicable, not perhaps across the isthmus of Barnstable, but from the harbour of Boston to that of Rhode Island. The Massachusetts canal would be about twenty-six, the New Jersey about twenty-eight, and each of the two southern about twenty-two miles in length, making altogether less than one hundred miles.

Should this great work, the expence of which, as will hereafter be shown, is estimated at about three millions of dollars, be accomplished, a sea vessel entering the first canal in the harbour of Boston, would, through the bay of Rhode Island, Long Island sound, and the harbour of New York, reach Brunswick on the Rariton; thence pass through the second canal to Trenton on the Delaware, down that river to Christiana, or Newcastle, and through the third canal to Elk river and the Chesapeake; whence sailing down that bay, and up Elizabeth river, it would, through the fourth canal, enter the Albemarle sound, and by Pamptico, Core, and Bogue sounds, reach Beaufort and Swansborough, in North Carolina. From the last mentioned place, the inland navigation, through Stumpy and Toomer's sounds, is continued with a diminished draft of water, and, by cutting two low and narrow necks, not exceeding three miles together, to Cape Fear river; and

thence, by an open but short and direct run along the coast, is reached that chain of islands, between which and the main the inland navigation is continued to St. Mary's, along the coast of South Carolina and Georgia. It is unnecessary to add any comments on the utility of the work, in peace or war, for the transportation of merchandize, or the conveyance of persons.

The several papers under the letter (A), herewith transmitted, contain the information which has been received on those several intended communications. The substance will now be stated.

I. *Massachusetts Canal.*

1. Sandwich isthmus, between Barnstable bay on the north, and Buzzard's bay on the south, had first attracted the public attention. Surveys and levels were taken, for the purpose of ascertaining the practicability of opening a cross cut, to be supplied by the sea itself, from the mouth of Back river, in Buzzard's bay, to the mouth of Scusset river, in Barnstable bay.

The distance was found to exceed seven miles; the elevation of the highest intermediate ground is forty feet above low water mark in Barnstable bay; the depth of water at the mouth of Back river does not, at low water, exceed seven feet and a half; and the channel to that spot, through Buzzard's bay, is obstructed by shoals. The tide, which rises but three feet and a half in that bay, rises three hours and a half later, and more than eighteen feet in that of Barnstable. The shore on which that formidable tide would operate is an open beach, without any harbour or shelter whatever. Inde-

pendent of other obstacles, it was apprehended that the same natural causes which had formed the isthmus might fill the canal, or make a bar at its entrance; and the project seems to have been abandoned.

2. The ground was also examined between Barnstable harbour on the north, and Hyannus harbour on the south, at some distance east of Sandwich. The breadth of the peninsula does not exceed here four miles and a half, and there would be a harbour at each end of the canal. The same difference exists in the tides, which rise four feet in Hyannus, and sixteen feet in Barnstable harbour. The entrance of this is obstructed by shoals; but the great obstacle to a cross cut is the elevation of the intermediate ground, estimated at eighty feet above tide water. Navigable ponds on that high ground might perhaps form part of a lock canal, and supply the remainder with water. But a canal frozen in winter would not have effected the great object in view, which was to enable vessels from sea to proceed, in winter, from Martha's vineyard to Boston, without sailing around Cape Cod. Although the difficulty of the navigation from Boston to Barnstable diminishes the utility of this communication, as one of the great links in this line of inland navigation, it may be resorted to, should that which will be next mentioned prove impracticable for sea vessels.

3. The attention of the legislature of Massachusetts, under whose authority the grounds at Sandwich and Barnstable had been examined, has lately been turned to a direct communication between Weymouth landing, within the harbour of Boston, and

Taunton river, which empties into the bay of Rhode Island. A favourable report has been made, during the last session, of which a copy has lately been obtained. The distance from tide water to tide water is twenty-six miles by one route, and twenty-three miles and a quarter by another. The highest intermediate ground is 133 feet above tide water, but may be reduced ten feet, by digging to that depth the length of a mile. Two ponds, known by the names of Weymouth and Cranbury, the largest and least elevated of which covers five hundred acres, and is fourteen feet higher than the summit of the proposed canal, will supply the upper locks with water by feeders four miles long. Whether the quantity of water contained in those ponds, and estimated equal to a daily supply of 450,000 cubic feet, will be sufficient for a sloop navigation, and whether any other ponds or streams may be brought in aid, does not seem to be fully ascertained. After descending twenty feet towards Weymouth, and seventy towards Taunton, an ample supply for the lower locks will be derived from other large ponds, the principal of which are known by the names of Braintree and Nippinitic.

The expence may, on a supposition that the route is partly through a rocky soil, be estimated as follows:

Digging twenty-six miles, at \$ 30,000 a mile,	\$ 780,000
Lockage, 260 feet, at \$1,250 a foot,	325,000
Feeders, purchase of land, &c.,	145,000
	<hr/>
	\$ 1,250,000

II. *New Jersey Canal.*

A company was incorporated some years ago, by the legislature of New Jersey, for opening a canal between the Rariton and the Delaware. Acting under the erroneous opinion that the navigation of small rivers might be improved and used as a canal, the company intended to have united, by a cross cut of one mile, the Assampink or Trenton creek, with Stony brook, a branch of Millstone river, and to have descended Trenton creek to the Delaware, and Stony brook, and Millstone river, to the Rariton. The capital, which was inadequate, was not paid; but their survey of the intended route has shown the practicability of a canal for sea vessels, on a proper plan.

The distance from Brunswick to Trenton is twenty-six miles, and the only obstacle in the way is the "Sand hills," some distance west of Brunswick. These may, it is said, be avoided by a deviation which would not increase the distance more than two miles; and they may at all events be perforated, as has been done by the turnpike company, who have opened a road on a straight line between the two towns, without having in any place an angle of ascent of more than three degrees.

The highest intermediate ground between Assampink and Stony brook is only fifty feet above tide water; and it is suggested that the summit level may be taken seven feet lower, cutting seven miles through a level meadow, between the confluence of the Assampink and Shippetankin creeks, and Rowley's mill, near the confluence of Stony brook and Millstone river.

An adequate supply of water will be drawn, by short feeders, from Philip's springs, Trenton creek, Stony brook, and Millstone river, all of which are more elevated than the route to the canal, the "Sand hills" excepted.

The depth of water at the two extremities of the canal, taken at low water, is feet at Brunswick, and ten feet at Lambertton, one mile below Trenton.

The expences may be estimated as followeth:

Digging twenty-eight miles, at \$ 20,000 per mile,	\$ 560,000
Lockage 100 feet, (probably less), at \$1250 per foot,	125,000
Feeders, purchase of land, and water rights,	115,003
	<hr/>
	\$ 800,000

III. *Delaware and Chesapeake Canal.*

A company, incorporated by the states of Delaware and Maryland, for opening this canal, has commenced its operations, now suspended for want of funds.

The canal will commence at Welch point, on Elk river, an arm of the Chesapeake, and terminate at a distance of twenty-two miles on Christiana creek, a branch of the Delaware. At low water the depth of water in Christiana is nine feet, and in Elk twelve feet, within one hundred feet from the shore. The tide rises four feet in both rivers. The canal might, without increasing the distance, be conducted to Newcastle on the Delaware itself, instead of ending at Christiana creek.

The high intermediate ground, over which the canal will be carried on a level of thirteen miles in length, is seventy-four feet above tide water, the descent being effected by nine locks on each side. The digging is generally easy: no expensive aqueducts or bridges, nor any other obstacles but those which have already been overcome in digging the feeder through a very rocky soil.

The supply of water drawn from Elk river, by a feeder six miles in length, already completed, which is itself a boat canal, three and a half feet deep, united by a lock of ten feet lift with the main canal, is calculated to fill daily 144 locks: a quantity sufficient on an average for the daily passage of twenty-four vessels. A reservoir covering thirty, and which may be increased to 150 acres, will supply occasional deficiencies: other reservoirs may be added, and Christiana and White Clay creeks may hereafter be brought in aid of Elk river, if the supply should prove too scanty for an increased navigation.

The canal, twenty-six feet wide at the bottom, and fifty at the top on the water line, being dug at the depth of eight feet, is intended for vessels of forty to seventy tons, drawing seven and a half feet of water: but the banks, twenty feet wide for towing paths, and one of which may be converted into a turnpike road, being raised three feet above the level of the water, will, by increasing the height of the lock gates one foot, admit a depth of nine feet of water in the canal; at which depth it would perhaps be eligible to dig at once. The locks, eighty feet long, eighteen feet wide, and eight (or nine) feet deep over the

gate-sills, containing each 11,500 to 13,000 cubic feet of water, and with a lift of eight to nine feet each, will be constructed of hewn stone laid in tarras. These dimensions, both of the canal and locks, recommended by Mr. Latrobe, the engineer of the canal, may be adopted in all the other canals for sea vessels, on this line of communication.

The present annual carriage across the peninsula, which would be drawn through the canal, is estimated at forty-two thousand tons, exclusively of passengers. This will be greatly increased by the facility which the canal itself will afford to the commercial intercourse between the two bays, and to the conveyance of articles now carried through other channels, or too heavy for transportation, at the present expence of carriage. The coals wanted for Philadelphia, and which, brought down from the sources of the Susquehannah and Potomac, but principally from the vicinity of Richmond, would naturally pass through the canal, have been alone estimated at more than one hundred thousand tons a year. The annual carriage of all articles may, in the present state of population, be fairly estimated at 150,000 tons, and the direct annual saving to the community at 300,000 dollars, being at the rate of two dollars a ton for the difference between land and water carriage across the peninsula, after paying the tolls. These, at the rate of fifty cents a ton, will give to the undertakers a revenue of 75,000 dollars, leaving, after a deduction of 10,000 dollars for annual repairs, and of 10,000 dollars more for attendance and contingencies, a nett income of 55,000 dollars.

The expences of the whole work are estimated as followeth:

Digging 22 miles, at	
\$ 20,000 a mile,	\$ 440,000
18 locks, at \$ 10,000	
each,	180,000
(The whole lockage being 148 feet, would, at	
\$ 1250 a foot, amount	
to 185,000 dollars.)	
Feeder (nearly completed), reservoirs, lock at the feeder, purchase of water rights and land, including a debt of	
dollars due by the company,	230,000
	<hr/>
	\$ 850,000
	<hr/>

The interest on which sum, at six per cent., is 51,000 dollars.

The capital originally subscribed amounted to four hundred thousand dollars, divided into two thousand shares, of two hundred dollars each. One half of these has been forfeited, after a small payment of five dollars on each share. One hundred thousand dollars, paid by the other stockholders, have been expended in preparatory measures, in the purchase of water rights, and in digging the feeder, which was considered as the most difficult part of the work. Seven hundred and fifty thousand dollars are still wanted to complete the work; of which sum, one hundred thousand dollars is payable by the stockholders, and the deficiency of six hundred and fifty thousand dollars must be drawn from other sources.

IV. *Chesapeake and Albemarle.*

1. The shortest communication between the Chesapeake and Albemarle sound is from North land-

ing, at the head of the tide of North-west river, which empties into Currituck inlet, the easternmost arm of Albemarle, to either Kempsville or Great Bridge, at the head of the tide of two different branches of the south branch of Elizabeth river, which, passing by Norfolk, unites at Hampton roads with James river and the Chesapeake. The distance is stated at seven miles, and the levels said to be favourable. It is believed that the principal reason why this communication has not been attempted, is a bar in Currituck inlet, which does not admit the passage of vessels drawing five feet water.

2. A company incorporated by the states of Virginia and North Carolina, for opening a canal through the Dismal swamp, has made considerable progress in the work.

The canal extends twenty-two miles in length, from Deep creek, a branch of the south branch of Elizabeth river, seven miles above Norfolk, to Joyce's creek, a branch of Pasquotank river, a northern arm of Albemarle sound. Vessels drawing eight to nine feet water may ascend both creeks to each extremity of the canal.

The intervening ground along the eastern margin of the Dismal swamp is almost level, the rise towards the middle not exceeding two feet above the two extremities, which are only eighteen feet and nine inches above tide water. The digging is very easy; the only obstacles arise from the stumps and roots of trees, and are nearly overcome; and a single aqueduct, or rather culvert, over a small run emptying into the North-west river, is necessary.

The swamp itself supplies, at the depth at which the canal is cut,

the water which has heretofore been wanted ; and a sufficient supply may be drawn by a feeder of three miles and a half in length, cut through a perfect level from lake Drummond, a natural reservoir in the centre of the swamp, of fifteen miles in circumference, and about six feet higher than the water in the canal.

The canal, as cut by the company, is twenty-four feet wide, and six feet deep, with one bank on the west side for a towing path, eighteen feet broad. The whole digging, with the exception of two miles, which must be deepened three feet, and of three-quarters of a mile in another place, not entirely finished, has been completed. The locks at the two extremities of the canal are not built ; but two have been erected at some distance from each extremity, probably in order to save some digging in the intervening space : they are made of square juniper logs, and have cost only three hundred dollars each.

The expence of digging has not exceeded 4,000 dollars a mile ; the whole capital expended amounts to 100,000 dollars, of which the state of Virginia has furnished 17,500 ; and it is stated that the whole work may be completed in one year, and will not, including the locks and the payment of some debts contracted by the company, exceed 25,000 dollars. But the canal, which, by the original act of incorporation, was to be thirty-two feet wide, and eight feet deep, can on its present plan be considered only as a local object, the principal utility of which consists in bringing to market the otherwise useless lumber of the swamp. The only boats which navigate it are flats, forty

feet long, six feet wide, drawing two feet of water, and carrying 8,000 shingles.

It must, in order to become a national object, be capable of receiving the vessels which navigate Albemarle sound, and for that purpose be restored to its first intended dimensions, or rather be widened and deepened, on the plan adopted for the Chesapeake and Delaware canal. The expence would be as followeth :

Digging, deepening to eight feet, preserving the same level the whole way, and widening to a proper breadth, twenty-two miles, at 8,000 dollars a mile,	\$ 176,000
Four stone locks, at 10,000 dollars,	40,000
Feeder to lake Drummond, aqueduct, and contingencies,	34,000
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	\$ 250,000

3. The last mentioned canal is in the most direct line of the communication through Albemarle to Pamlico sound, and the adjacent southern sounds. It has been objected that the navigation of Pasquotank river was intricate, and that it would be more advantageous to open a communication with Chowan river, which, passing by Edenton, and then uniting with the Roanoke, forms Albemarle sound.

A company was incorporated for that purpose ; but the capital was not filled, and no other operation performed but surveying the ground. The intended canal on that route would commence at Suffolk, on Nansemond river, which empties into James river a few miles above and west of the

mouth of Elizabeth river; and, passing along the western margin of the Dismal swamp, would reach, at a computed distance of thirty miles, Gates' court-house, on Bennet's creek, a branch of Chowan river, which vessels drawing ten feet of water may ascend to that spot.

The highest intermediate ground is twenty-eight feet above tide water, and consequently higher than the surface of lake Drummond. But Bennet's creek and Curripeake swamp were considered as affording a sufficient supply of water. Should this prove adequate, the principal objection to this route will be, that the canal lands at Suffolk instead of Norfolk. This consideration, and the capital already expended on

the canal from Elizabeth river to Pasquotank, seem to give a preference to this course. To which may be added, that, if it be preferable to strike the waters of Chowan river, a lateral canal may be hereafter opened, along the southern margin of the Dismal swamp, from the southern extremity of the Elizabeth and Pasquotank canal, to Bennet's creek or Edenton. Whatever route may, after a critical examination of the ground, be thought the most eligible, the opening of this communication will be more easy and less expensive than either of the three northern canals.

The following table is a recapitulation of the distance to be cut on the whole line, and of the estimated expence:

CANALS.	DIRECTION.	DISTANCE. Miles.	LOCKAGE Feet.	EXPENCE. Dollars.
Massachusetts	Weymouth to Taunton,	26	260	1,250,000
New Jersey,	Brunswick to Trenton,	28	100	800,000
Delaware and } Chesapeake, } Chesapeake & } Albemarle, }	Christiana to Elk,	22	148	750,000
	Eliz. riv. to Pasquotank	22	40	250,000
Total		98	548	3,050,000

Communications between the Atlantic and Western Waters.

The Apalachian mountains, to use an ancient generic denomination, extend in a direction west of south, from the 42d to the 34th degree of north latitude, approaching the sea, and even washed by the tide in the state of New York, and thence, in their southerly course, gradually receding from the sea shore. Viewed as a whole, their breadth may be estimated at 110 miles, and they consist of a succession of parallel

ridges, following nearly the direction of the sea coast, irregularly intersected by rivers, and divided by narrow vallies. The ridge which divides the Atlantic rivers from the western waters, generally known by the name of Alleghany, preserves throughout a nearly equal distance of 250 miles from the Atlantic ocean, and a nearly uniform elevation of 3,000 feet above the level of the sea.

These mountains may, however, be perhaps considered as consisting of two principal chains: between these lies the fertile lime-

stone valley, which, although occasionally interrupted by transversal ridges, and, in one place, by the dividing or Alleghany ridge, may be traced from Newburgh and Esopus, on the Hudson river, to Knoxville, on the Tennessee.

The eastern and narrowest chain is the Blue Ridge of Virginia, which in its north-east course traverses, under various names, the states of Maryland, Pennsylvania, and New Jersey, forms the high lands broken at West point by the tide of the Hudson, and then uniting with the Green mountains, assumes a northerly direction, and divides the waters of the Hudson, and of lake Champlain, from those of Connecticut river. On the borders of Virginia and North Carolina, the Blue Ridge is united, by an inferior mountain, with the great western chain, and thence to its southern extremity becomes the principal or dividing mountain, discharging eastwardly the rivers Roanoke, Pedee, Santee, and Savannah, into the Atlantic ocean; southwardly the Chatahouchee and the Alabama, into the gulf of Mexico, and westwardly the New river and the Tennessee. The New river, taking a northwardly course, breaks through all the ridges of the great western chain, and, at a short distance beyond it, unites, under the name of Kanhawa, with the Ohio. The Tennessee pursues, at first, a south-west direction between the two chains, until having reached, and in a westwardly course turned, the southern extremity of the great western chain, it assumes a northwardly direction, and joins its waters with those of the Ohio, a few miles above the confluence of that river with the Mississippi.

The western chain, much broader, and generally more elevated, is known under the names of Cumberland and Gauley mountains, from its southern extremity, near the great bend of the Tennessee river, until it becomes, in Virginia, the principal or dividing mountain. Thence in its northerly course, towards the state of New York, it discharges westwardly the Green Briar river, which, by its junction with the New river, forms the Kanhawa, and the rivers Monongahela and Alleghany, which, from their confluence at Pittsburgh, assume the name of Ohio. Eastwardly it pours into the Atlantic ocean James river, the Potomac, and the Susquehannah. From the northernmost and less elevated spurs of the chain, the Genessee flows into the lake Ontario; and in that quarter the northerly branches of the Susquehannah seem to take their source from amongst inferior ridges, and, in their course to the Chesapeake, to break through all the mountains. From the Susquehannah the principal chain assumes a more eastwardly direction, and, washed on the north by the lateral valley of the river Mowhawk, whilst it gives rise southwardly to the Delaware, it terminates, under the name of Catskill mountain, in view of the tide water of the Hudson.

This description has been introduced for the double purpose of pointing out all the rivers which can afford the means of communication, and of showing the impracticability, in the present state of science, of effecting a canal navigation across the mountains.

The most elevated lock canal, of which a correct description has

been given, is that of Languedoc, and the highest ground over which it is carried is only 600 feet above the sea. It is not believed that any canal has been undertaken, or at least completed, in England, of an elevation exceeding 430 feet above the waters united by it. The Alleghany mountain is generally, and from observations made in several places, about 3,000 feet above the level of the sea. The precise height of the dividing ridge was ascertained by the commissioners who laid out the United States' road from Cumberland, on the Potomac, to Brownsville, on the Monongahela, at 2,260 above the first, and at 2,150 feet above the last river. Cumberland, from the levels taken by the Potomac company, is itself 735 feet above tide water. Although some more advantageous and less elevated places may be found, particularly amongst the ridges which divide some of the upper branches of the Susquehannah from the corresponding streams emptying into the river Alleghany, there is none which is not of an elevation much beyond what has ever been overcome by canals in any other country. The impracticability arises from the principle of lock navigation, which, in order to effect the ascent, requires a greater supply of water, in proportion to the height to be ascended, whilst the supply of water becomes less in the same proportion. Nor does the chain of mountains, through the whole extent where it divides the Atlantic from the western rivers, afford a single pond, lake, or natural reservoir. It may be added as a general feature of American geography, that, except in the swamps along the southern sea coast, no lake is to be

found in the United States, south of forty-one degrees north latitude; and that almost every river north of forty-two degrees issues from a lake or pond.

The works necessary in order to facilitate the communications from the sea ports across the mountains to the western waters, must therefore consist either of artificial roads extending the whole way from tide water to the nearest and most convenient navigable western waters; or of improvements in the navigation of the leading Atlantic rivers, to the highest practicable points, connected by artificial roads across the mountains, with the nearest points from which a permanent navigation can be relied on, down the western rivers.

The principal considerations in selecting proper directions for these communications, are, the distance from the navigable western waters, both to tide water and to the nearest navigable Atlantic river, and the extent of navigation, either natural or susceptible of improvement, which may be afforded by the rivers. Distance alone is mentioned, so far as relates to roads, because the mountains, however insuperable for canals, offer no important impediment to land communications. So far from being an insurmountable barrier to commercial intercourse between the two great sections of the union, it is now ascertained that these mountains may, almost in every direction, be crossed by artificial roads, as permanent, as easy, and less expensive, than similar works in the lower country. For congress having, contrary to current opinion, directed that the road from Cumberland to Brownsville should be

laid out so that its ascent should not in any place exceed an angle of five degrees with the horizon, no difficulty has been experienced in effecting the object without cutting through hills, and although the road thus laid out be, in a distance of seventy-two miles, two or three miles shorter than that heretofore in use.

Although the distance from the sea to the principal dividing mountain through its whole length, between the western sources of the Susquehannah and those of the Savannah, be nearly the same, yet the Atlantic bays, penetrating the coast at different depths, and in different directions, the distances from the sea-ports to the nearest western navigable waters vary considerably. Taken in straight lines from each port to the nearest branch, beyond all the mountains of each of the four great western rivers, they may be stated as follows:

From Philadelphia to the confluence of Cone-maugh and Loyalhannon, branches of the Alleghany,	<i>Miles.</i> 220
From the city of Washington to the confluence of the rivers Monongahela and Cheat,	150
From Richmond to Morris's on the Kanhawa, below all the falls of that river,	210
From Savannah or Charleston to any navigable branch of Tennessee, the distance exceeds	300

The distance from the same western points to the upper navigation of the corresponding Atlantic rivers, cannot be stated with precision, as the upper points to which the navigation of those ri-

vers may be improved is not yet ascertained. The shortest portage between the waters of the Potomac and those of the Monongahela, in their natural state, from West Port on the Potomac to Cheat river below the falls, is about fifty miles in a straight line. But, in order to secure a tolerable navigation, particularly on the Potomac, the route from Cumberland to Brownsville (Red Stone old fort) has been preferred, and the distance by the road lately laid out is seventy-two miles. The portage between the north fork of the Juniata, a branch of the Susquehannah, and the corresponding waters of the river Alleghany, is somewhat shorter. That between Pattonborough, on James river, and the falls of the Kanhawa, exceeds 100 miles.

The most prominent, though not perhaps the most insuperable obstacle in the navigation of the Atlantic rivers, consists in their lower falls, which are ascribed to a presumed continuous granite ridge, rising about 130 feet above tide water. That ridge, from New York to James river inclusively, arrests the ascent of the tide; the falls of every river, within that space, being precisely at the head of the tide. Pursuing thence southwardly a direction nearly parallel to the mountains, it recedes from the sea, leaving in each southern river an extent of good navigation between the tide and the falls. Other falls of less magnitude are found at the gaps of the Blue Ridge, through which the rivers have forced their passage. Higher up, the rapidity of the northern rivers, which penetrate through the inferior ridges of the great western chain, encreases as they approach the dividing or Alleghany mountain; and their sour-

ces being nearly at the same elevation, their rapidity encreases in proportion to the shortness of their course. For that reason, the navigation of the Susquehannah above the Blue ridge is better than that of the Potomac, which affords, as has been stated, the shortest communication from tide water to the

nearest western river. The levels of the last-mentioned river having been taken by the Potomac company, the general result is annexed, as giving a more correct idea of the navigation of the Atlantic rivers, than could be conveyed in any other manner.

	DISTANCE.	FALL.	RATE OF FALL.
	Miles.	Feet.	Feet per mile.
From the mouth of Savage river down to Cumberland,	31	445	14½
Thence to the Blue Ridge,	130½	490	4
Harper's ferry, or Shenandoe falls,	5½	43	
Thence to Great falls,	40	39	1
Great and Little falls, to tide water,	12	143	
Total,	219	1,160	

The papers marked (C) contain the information which has been collected respecting the works executed or contemplated on the great rivers already enumerated. It has not been understood that any improvements of importance have been yet attempted on the Savannah and Pedee, nor on any of the tributary streams of the Ohio; and the communications received under this head relate only to the Santee, Roanoke, James river, Potomac, Susquehannah, and Ohio.

I. Santee.

The Santee, or Catawba, is said to be occasionally navigable for near 300 miles, as high up as Morgantown, in North Carolina. Two companies have been incorporated by that state and that of South Carolina, for the purpose of improving its navigation. The lower falls are above Camden, and not far from the arsenal of the

United States, at Mount Rock. A canal had been commenced there; but, either from want of success in the commencement, or from want of funds, the work appears to be suspended. The market for the produce brought down that river, is Charleston; and the river boats were obliged, at the mouth of the river, to enter the sea, and to reach that port by a navigation along the sea shore, for which they were not calculated. To remedy that inconvenience, and to ensure a permanent navigation, a canal has been opened by another company, uniting the Santee with Cooper river, which empties into the harbour of Charleston.

The distance between the points united is twenty-two miles; the highest intervening ground was fifty-two feet above Santee, and eighty-five feet above the river Cooper; but it has been reduced seventeen feet by digging: the descent to Santee being thirty-

five feet, effected by four locks, and that to Cooper sixty-eight feet, effected by nine locks.

The principal supply of water is afforded by springs arising from the marshy ground at the bottom of the canal, and by several drains which collect and bring from an adjacent swamp the sources of the river Cooper. The quantity is said to be seldom deficient; yet a steam engine has been contemplated, as perhaps necessary, in order to raise from the Santee an adequate supply.

The canal was carried over some small streams by means of aqueducts; inconsiderable ravines have been filled, and the ground was dug, in some places, to the depth of sixteen feet, in order to preserve the level. But it appears that the roots of trees were the greatest obstacle encountered in digging the canal. Its breadth is twenty feet at the bottom, and thirty-five feet at top; the depth of water is four feet; and it admits boats of twenty tons. The locks, made of brick, faced with marble, are sixty feet long, and ten feet wide.

The capital expended is stated at 650,667 dollars, including sixty negroes and some tracts of land belonging to the company. The canal has been completed six years; the annual tolls had never exceeded 13,000 dollars before the year 1807; and the annual expenses are stated at 7,000 dollars. The want of success in this undertaking, which, though completed, is very unprofitable, may be ascribed to several causes. The expence compared with the work is much greater than might have been expected, and probably than was necessary. The locks are

too small for large boats, which are therefore obliged to pursue the former route down the Santee, and by sea to Charleston; and want of water is alleged as a sufficient reason for the size of the locks. But a canal in that situation cannot, in America, be profitable, unless the navigation of the main river with which it communicates is rendered safe and permanent; and whenever that of the Santee itself shall have been improved, the utility and profits of the canal will be considerably increased.

II. *The Lower or Great Falls of Roanoke*

Consist in a succession of rapids, which, in a distance of fifteen miles, have a fall of ninety-three feet. This obstruction is such, that almost all the tobacco of that river is transported, by land, to Petersburg, on the Appomatox branch of James river. A canal has been contemplated from the upper end of the falls to Murfreesborough, situated on the tide water of a branch of Chowan river, twenty-five miles above the mouth of Bennet's creek, which has been before mentioned as one of the lines of communication between Albemarle sound and the Chesapeake. The level is said to be favourable, without any obstructions or vallies in the way. The distance is thirty-eight miles, and the expence of a small canal, for boats drawing two feet and a half of water, may be estimated as followeth:

Digging thirty-eight miles, at \$ 6,000 a mile,	\$ 228,000
Lockage, ninety-three feet, at \$ 800 a foot,	74,400

Feeder, land, &c., 47,600

§ 350,000

The capital for this canal has never been subscribed, and it has been suggested that it would be practicable to open one to Petersburg. It is not believed that any hills intervene in that course; and the greatest obstacle will be found in crossing the branches of Chohan river.

III. *James river.*

A company incorporated by the state of Virginia, for the improvement of the navigation of the river generally, has removed some obstructions in the upper part of the river, and is bound by the charter to render it so far navigable that there may never be less than twelve inches of water over any of the shoals or rapids, from the upper end of the Lower or Great falls to Pattonborough, a distance of 220 miles. The natural navigation of the river through that extent is considered as better than that of any other Atlantic river above the falls.

A communication has been opened by the company from Westham, at the upper end of the Great falls, to Shockoe hill, in the city of Richmond, in the following manner: the water is drawn, at Westham, from the river into a canal 200 yards in length, at the end of which boats, descending thirty-four feet through three locks, re-enter the river, and after using its natural navigation three miles, are brought, by a canal three miles and a half in length, to a bason on Shockoe hill, where the navigation terminates.

That bason is about eighty feet above tide water, and one mile and

a half from Rockets, the port of Richmond. The whole fall, from the upper end of the canal at Westham to the bason, may be stated at forty-eight feet, and the distance at six miles and a half. The canal is twenty-five feet wide, and admits boats of eight tons, drawing three feet of water. The locks, eighty feet long, and sixteen feet wide, are of solid masonry; but the cement is defective. Three aqueducts have been thrown across vallies intervening in the course of the canal; and some difficult digging was necessary on the sides of hills, and through ledges of rocks.

The canal, according to the charter, was intended to have been brought down to tide water. The performance of that condition is now suspended by an act of the legislature of Virginia, and there seems to be a considerable diversity of opinion on that subject. In a national point of view, the plan which will, at the least expence, put coals on board vessels lying at Rockets, deserves the preference: for coal is in no other part of the United States found in abundance in the vicinity of tide water. At present, the expence of transportation by the canal is already reduced to one-third of the land carriage.

The original capital of the company amounted to 140,000 dollars, of which the state of Virginia owns fifty thousand; and 91,000 dollars, arising from the proceeds of tolls, had, before the first of January, 1805, been applied to the work, making together an expenditure of 231,000 dollars. The annual tolls raised on fourteen thousand tons of country produce, and on two thousand coal boats, have amounted to 16,750 dollars;

and the annual repairs and expenses are estimated at 5000 dollars. But as the company draw also a revenue from the rent of water, applied to mills and other water-works erected along the canal, they have been able in some years to make dividends of 16,800 dollars, being at the rate of twelve per cent. on the original capital, but of only about seven per cent. if calculated on the sum of 244,000 dollars, the amount of capital expended, and interest accrued, before any dividend was made.

IV. *Potomac.*

The company incorporated by the states of Maryland and Virginia, for improving the navigation of that river, has executed the following works:

1. At a distance of twelve miles above the head of the tide, which ascends about three miles above the city of Washington, the river is 143 feet higher than tide water. At that place designated by the name of *Great falls*, the boats, passing through a canal one mile in length, six feet deep, and twenty-five feet wide, descend seventy-six feet by five locks, 100 feet long, and twelve feet wide each, and, re-entering the river, follow its natural bed eight miles and a half. Another canal of the same dimensions, and two miles and a half in length, brings them then through three locks, and, by a descent of thirty-seven feet, to tide water. This last fall is distinguished by the name of *Little falls*. The two lower locks of the Great falls, excavated out of the solid rock, have each a lift of eighteen feet: the three upper locks of solid masonry are of unequal height, and have together a

lift of forty feet. The three locks of the Little falls are each one hundred feet in length and eighteen feet wide. That breadth is unnecessary, and consumes too much water: a defect which will be remedied, when stone locks will be substituted to those now in use, which, being of wood, will soon be decayed.

Three other canals without locks have been opened around three distinct falls: the principal, at the Shenandoe falls below Harper's ferry, and at the place where the Potomac breaks through the Blue Ridge, is one mile in length around a fall of fifteen feet. Between this and the Great falls another canal, three-quarters of a mile in length, is opened around the Seneca falls. The third, fifty yards in length, has been cut around Houe's falls, five miles above the Shenandoe falls. Above this place, the navigation has been improved by deepening occasionally the channel, raising the water in shallow places by small dams, and opening sluices along the shore. It is believed that by multiplying the number of those low dams, by throwing the channel along the shore, and, when necessary, opening canals with or without locks around the principal rapids, the navigation may be improved, perhaps as high up as Cumberland, 188 miles above tide water, to such a degree as to render the river passable for boats the greater part of the year. And if this be found practicable on the Potomac, which is the most rapid of the great Atlantic rivers, the same improvements may with greater facility be effected on any of the others. It will be indispensable, in order to attain that object on the Potomac, that addi-

tional canals with locks should be opened at the Shenandoe or Blue Ridge falls, which, as has already been stated, fall forty-three feet in the distance of five miles.

2. The Shenandoe, a river nearly as large as the Potomac itself, after a course of 250 miles through the Great Lime-stone valley, unites its waters with those of the Potomac at Harper's ferry, just above the Blue Ridge. From Port Republic till within eight miles of the Potomac, a distance of near 200 miles, it affords a good navigation, the fall of the river being at the rate of less than two feet a mile. In the last eight miles it falls eighty feet, and was impassable before the improvements completed last year by the Potomac company. Six different canals, twenty feet wide, four feet and a half deep, and extending altogether 2400 yards, have been opened round the most difficult falls. Through these, and five stone locks 100 feet long and twelve feet wide each, and effecting together a descent of near fifty feet, the communication is now opened, and will render the undertaking much more productive than heretofore. The water in all these canals and locks, as well as in those executed on the Potomac, is uniformly supplied by the river itself.

The capital originally subscribed amounted to 311,560 dollars, divided into 701 shares; of which the state of Maryland owns 220, and the state of Virginia seventy. The total amount expended, including an additional payment received from late subscribers, 38,000 dollars arising from tolls, which have been applied to the work, and a debt of about 67,000 dollars contracted by the company, amounts to 444,652 dollars.

The annual tolls raised on eight thousand tons of sundry articles, valued at more than half a million of dollars, have not, before the opening of the Shenandoe, exceeded 15,000 dollars; and the annual expences and repairs are stated at 5,000 dollars.

One hundred shares, of 145*l*. sterling each, remain open for subscription.

V. *Susquehannah.*

This river has no perpendicular or altogether impassable falls: but from the head of the tide up to the Pennsylvania line, a distance of ten miles, the navigation is impeded by a succession of dangerous rapids; and these, though occasionally separated by sheets of smooth water, continue forty miles higher up, at least as far as Columbia, the whole fall, from this place to the head of the tide, being estimated at about 140 feet. The navigation through that distance, at all times dangerous, is practicable only during the high freshets, when rafts and flat-bottomed boats, eighty feet long and seventeen feet wide, may descend from the several widely-extended upper branches of the river. Less dangerous falls are found at the place where it breaks through the Blue Ridge; above which the natural navigation from Middletown upwards, whether up the Juniata, the West branch, or the East branch, is much better than that of the Potomac, and has been improved in several places, at the expence of the state of Pennsylvania. A canal, one mile long, and four feet deep, with two brick locks, has also been opened around the Conewago falls in the gap of the Blue Ridge, fourteen thou-

sand dollars having been paid for that object by the same state. Its entrance is difficult, and it is used for water-works, being free for navigation, though private property. From Columbia down to the Maryland line, considerable improvements in the bed of the river have also been made, at the expense of the two states, and the descending navigation has on the whole been improved: but few boats ever attempt to ascend, nor is it believed that the natural advantages of the most considerable Atlantic river will ever be fully enjoyed, until a canal shall have been opened the whole way from Columbia, either to tide water, or to the Delaware and Chesapeake canal.

A company incorporated by the state of Maryland, for opening a canal around the falls, in that part of the river which extends from the Pennsylvania line to tide water, has completed that part of the work, the utility of which is but very partially felt, whilst the bed of the river remains the only communication from its upper extremity up to Columbia.

The canal, thirty feet wide, three feet deep, and admitting boats of twenty tons, is nine miles in length, with a fall of fifty-nine feet. The descent is effected by eight stone locks, each of which is 100 feet in length, and twelve feet wide. The water is supplied by the river itself; and, in order to cross the rivers Conawingo and Octorara, these, by means of dams, have been raised ten and twelve feet to the level of the canal.

Its defects consist in the want of sufficient breadth of the locks, which do not admit the rafts and wide flat-bottomed boats generally

used in bringing down the country produce, and in want of water at the lower end of the canal. This last defect may be remedied by extending the canal 700 yards lower down along the edge of the river; and it is probable, that, as timber will become more scarce and valuable in the upper branches of the Susquehannah, boats of a different construction will be used. In the mean while, the annual tolls have not yet amounted to 1000, whilst the annual expenses are stated at 1200 dollars, and the capital expended at 250,000 dollars.

The attempts made to open a communication from Middletown, in the Lime-stone valley, to Philadelphia, partly by canals, and partly by means of the Schuylkill, will be noticed under the head of "Interior Canals."

VI. *Ohio.*

The navigation of the Kan-hawa, and of the eastern branches of the Tennessee, Monongahela, and Alleghany, in their course through the mountains, may at a future period be improved. But, from the foot of the mountains, all those rivers, and particularly the Ohio, flow with a much gentler current than the Atlantic rivers: a circumstance easily accounted for, when it is recollected that Brownsville, on the Monongahela, and at a distance of 2,000 miles by water from the sea, is only 115 feet more elevated than Cumberland on the Potomac; whilst this river, with all its meanders, reaches tide water within less than 200 miles. All those rivers, at the annual melting of the snows, rise to the height of more than forty feet, affording,

from the upper points to which they are navigable, a safe navigation to the sea for any ship that can pass over the bar at the mouth of the Mississippi. As early as the year 1793, a schooner built on the Monongahela, between Brownsville and Pittsburgh, reached New Orleans by that extraordinary inland navigation, and arrived safely at Philadelphia. This first essay stimulated the spirit of enterprize so conspicuous in the American character; and numerous vessels, from 100 to 350 tons burthen, are now annually built at several ship yards on the Ohio, even as high up as Pittsburgh, and, bringing down to New Orleans the produce of the upper country consumed there, carry to Europe, and to the Atlantic ports of the United States, the sugar, the cotton, and the tobacco of Louisiana, and of the states of Tennessee and Kentucky.

That branch of national industry gives value to the immense forests of the Ohio and of its numerous branches, will soon make a considerable and perhaps necessary accession to the shipping of the United States, and has a tendency to diminish the price of freights from New Orleans to the other American and to foreign ports. The importance of this last consideration will be duly felt, if the magnitude of the exports, of which New Orleans is destined to be the emporium, be contrasted with the probable amount of its importations. For such are the labour, time, and expence necessary to ascend the rapid stream of the Mississippi (and the nature of its banks, annually overflowed on a breadth of several miles, precludes the possibility of towing paths), that whilst the greater part

of the produce of the immense country watered by that river and its tributary streams must necessarily be exported through its channel, the importations of a considerable portion of that country will continue to be supplied from the Atlantic sea ports, by water and land communications, susceptible of considerable improvement. And thus, unless another outlet be found for a portion of the exports, or unless the upper country can supply vessels, those exports must necessarily pay a double freight.

The only impediments to that navigation are, on the Tennessee, "the Muscle shoals," of which no particular account has been received; and, on the Ohio, the falls of Louisville. Ordinary boats can with difficulty pass these in summer, and the navigation is, even during the freshets, dangerous for the large vessels. The attention of the legislature of Kentucky, and of the inhabitants of the western country generally, has therefore been particularly drawn to the opening of a canal at that place. A company has been lately incorporated by the state of Kentucky for that purpose, with a capital which may amount to 500,000 dollars, but a small portion of which has yet been subscribed. The expence, however, is estimated at a sum less than the nominal capital.

The proposed canal would be near two miles in length, and must be dug in some places to a depth of twenty-seven, but generally of about sixteen feet; the breadth at the bottom being twenty feet, with the necessary slope, would make it generally sixty-eight feet wide at top, and in particular places not less than a hundred. The fall at low water

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is about twenty-two feet, and would require three locks, of dimensions sufficient to pass ships of 400 tons, and drawing fourteen feet of water. The greatest expence will be that of digging and removing the earth, which may be estimated at 400,000 cubic yards, and, according to the representation made of the nature of the ground, will not probably cost more than 200,000 dollars. To this may be added 100,000 dollars for the locks and other necessary works, making altogether 300,000 dollars. The greatest difficulty seems to be the protection of the locks and canals against the rise of the river, which sometimes overflows the whole ground through which the canal must be opened.

The expence of the improvements suggested in the communications between the Atlantic and western waters, may be stated as followeth :

1st. Four artificial roads from the four great western rivers, the Alleghany, Monongahela, Kanhawa, and Tennessee, to the nearest corresponding Atlantic rivers, the Susquehannah or Juniata, the Potomac, James river, and either the Santee or Savannah, leaving to the several states the continuation of those roads eastwardly to the nearest sea ports. Those roads should unite, on each river, points from which a permanent and safe navigation downwards could, except during the driest seasons, be relied on, and will therefore on each route be estimated at 100 miles, making altogether 400 miles, which, at 7000 dollars a mile, the materials being generally on the spot, would cost

\$2,800,000

2dly. The improve-

ment of the navigation of the four Atlantic rivers, from tide water to the highest practicable point, effected principally by canals around the falls wherever practicable, and by locks whenever necessary. The most expensive of these would be the proposed canal from Columbia, on the Susquehannah, either to tide water, or to the Delaware and Chesapeake canal. And considering how much has been effected already, and may still be done, on the other rivers, by the several incorporated companies, it is believed that every useful improvement might be completed by a public expenditure not exceeding

1,500,000

3dly. The canal at the falls of Ohio, estimated at

300,000

Making altogether \$4,600,000

Although a canal navigation, uniting the Atlantic and western waters in a direct course across the mountains, appears impracticable, yet those mountains may be turned either on the north by means of the Mohawk valley and of lake Ontario, or on the south through Georgia and the Mississippi territory. The first communication will be noticed under the head of "the river St. Lawrence and great lakes." Of the second it will be sufficient to observe, that the countries lying between the sources of the rivers Chatahouchee and Mobile, and

the gulph of Mexico, is an inclined plane, regularly descending towards the sea, and that, by following the proper levels, it presents no natural obstacle to the opening of a canal, fed by the waters of the two last-mentioned rivers, and extending from the tide water on the coast of Georgia to the Mississippi. The distance, in a direct line, is about 550 miles, and, to be overcome, requires only time, perseverance, and labour. When it is recollected that such an undertaking would discharge the Mississippi into the Atlantic, the remarks already made on the trade of that river, and other obvious considerations, will sufficiently point out its immense importance. Nor should the plan, on account of its magnitude, be thought chimerical; for the elevation and other natural obstacles of intervening ground, or want of a sufficient supply of water, and not distance, are the only insuperable impediments to an artificial navigation.

This work, which is presented not as an immediate, but as a distant object, worthy of consideration, would probably require 10,000,000 of dollars, and thirty years for its completion. The annual sales of the public lands in the Mississippi territory, which are estimated at 50,000,000 of acres, would, after paying the debt due to the state of Georgia, afford sufficient funds; and the increased value of the residue would alone more than compensate the expence.

It is proper to add, that an inland navigation, even for open boats, already exists from New Orleans, by the canal Carondelet, to the lake Pontchartrain, thence between the coast and the adjacent

islands to the bay of Mobile, and up its two principal rivers, the Alabama and the Tombigbee, to the head of the tide, within the acknowledged boundaries of the United States. The current of these two rivers being much less rapid than that of the Mississippi, they have long been contemplated, particularly the Tombigbee, as affording a better communication to the ascending or returning trade from New Orleans to the waters of the Tennessee; from which they are separated by short portages.

Communications between the Atlantic rivers and the river St. Laurence and Great Lakes.

Vessels ascend the river St. Laurence from the sea to Montreal. The river Sorel discharges, at some distance below that town, the waters of lake George and lake Champlain, which penetrate southwardly within the United States. From Montreal to lake Ontario, the ascent of the river St. Laurence is estimated at about 200 feet. From the eastern extremity of lake Ontario, an inland navigation, for vessels of more than 100 tons burthen, is continued more than 1000 miles, through lakes Erie, St. Clair, and Huron, to the western and southern extremities of lake Michigan, without any other interruption than that of the falls and rapids of Niagara, between lake Erie and lake Ontario. The descent from fort Schlosser to Devil's hole, a distance of four miles, which includes the perpendicular falls of Niagara, has by correct measurement been ascertained to be 375 feet. The whole fall from lake Erie to lake Ontario is estimated at 450 feet,

making the elevation of lake Erie above tide water 650 feet.

Lake Superior, the largest of those inland seas, communicates with the northern extremity of lake Huron, by the river and rapids of St. Mary's. The fall of these is not ascertained: but it is said that a small canal has been opened around the most difficult part, by the North-west Fur Company.

Five of the Atlantic rivers approach the waters of the St. Lawrence: viz., the Penobscot, Kennebeck, Connecticut, the North, or Hudson river, and the Tioga branch of the Susquehannah. This last river will afford a useful communication with the rivers Seneca and Genessee, which empty into lake Ontario. The length of the portage has not been precisely stated; and the general navigation of the Susquehannah has already been noticed. It may, however, be observed, that it is the only Atlantic river whose sources approach both the western waters and those of the St. Lawrence.

The three eastern rivers afford convenient communication with the province of Lower Canada, but not with that extensive inland navigation, which penetrates through the United States, within 200 miles of the Mississippi. No statement has been received of any improvement having yet been made on the Penobscot or Kennebeck; and a very imperfect account has been obtained of some short canals opened around the several falls of the river Connecticut. One at Bellows' falls, in the state of Vermont, has been particularly mentioned, and is the highest improvement on the river.

What is called the North river is a narrow and long bay, which, in its northwardly course from the harbour of New York, breaks through or turns all the mountains, affording a tide navigation for vessels of eighty tons to Albany and Troy, 160 miles above New York. This peculiarity distinguishes the North river from all the other bays and rivers of the United States. The tide in no other ascends higher than the granite ridge, or comes within thirty miles of the Blue Ridge, or eastern chain of mountains. In the North River, it breaks through the Blue Ridge at West Point, and ascends above the eastern termination of the Catskill, or great western chain.

A few miles above Troy, and the head of the tide, the Hudson from the north, and the Mohawk from the west, unite their waters, and form the North river. The Hudson, in its course upwards, approaches the waters of lake Champlain, and the Mohawk, those of lake Ontario.

I. *Hudson and Champlain, or Northern Navigation.*

A company was incorporated several years ago by the state of New York, for the purpose of opening this communication, and a survey taken by Mr. Weston, a copy of which has not yet been obtained. From collateral information, it appears that it was proposed to open a canal twelve miles long, with a lockage of 106 feet, from Waterford, at the confluence of the Hudson and Mohawk, to the upper end of the great falls of Stillwater. This was considered as the most diffi-

cult part of the whole route, and the expence estimated at 275,000 dollars. Another canal and lock would be necessary around the falls of fort Miller; but the remainder of the navigation up the Hudson to fort Edward does not require any material improvement.

At some distance above fort Edward, it was intended to connect, by a canal and locks, the Hudson with the *North Wood* creek, at fort Ann. The navigation down the creek to Skeensborough is used, but requires to be improved. At this place, where falls render another canal necessary, *North Wood* creek empties into the south bay of lake Champlain; and thence is a natural sloop navigation through the whole extent of the lake. The expence of the works from fort Edward to Skeensborough had been estimated at 200,000 dollars.

The funds of the company were insufficient, and have, it is said, been expended, without much permanent utility, at Stillwater and and Skeensborough.

The distance in a straight line from Waterford to Skeensborough is fifty miles; and the expence of opening a permanent boat navigation on a proper plan through the whole line, is from imperfect materials estimated at about 800,000 dollars. This communication would divert to a port of the United States the trade of one-half of the state of Vermont, and of a part of that of New York, which is now principally carried through the channel of the St. Laurence, and of the province of Canada.

II. *Mohawk and Ontario, or Western Navigation.*

A company incorporated by the state of New York, for the improvement of this navigation, has made considerable progress: and an accurate survey having been taken of the distances and levels of the greater part of the route, the result will in the first place be stated:

DIST. FALL.

From the tide wa-
ter at Troy to Lansing mills on the Mohawk, is found the greatest impediment to the navigation of that river, consisting of the Cohoes falls, which are seventy feet perpendicular, and of a succession of other falls, which continue to the North river,

42 $\frac{1}{2}$ 140

From Lansing mills up the Mohawk to Schenectady, the height of the river, at the time when the survey was taken, prevented Mr. Weston from correctly ascertaining the levels. The fall for that distance is therefore estimated at

121 $\frac{1}{2}$ 281 $\frac{1}{2}$

From Schenectady to the Little falls,

57 $\frac{1}{2}$ 110 $\frac{1}{2}$

The Little falls, which, before the improvements made by the company, interrupted altogether the navigation,

$\frac{3}{4}$ 42

From the Little DIST. FALL.
falls to fort Stanwix, Miles. Feet.
now Rome, 48 59½

This is the head of the navigation, and the summit level between it and West Wood creek, a branch of lake Ontario, is nine feet and three-fourths above that part of the river Mohawk where the navigation ceases,

1½	9¾
125	390

The whole course of the Mohawk is therefore 125 miles in length, and the fall through that distance, from the summit level to tide water, is 390 feet.

At the distance of one mile and three-quarters is Wood creek, the bed of which is used to its entrance into lake Oneida, the distance along its meanders being twenty-three miles, but in the line in which a canal might be cut, only fourteen miles, and the fall sixty feet,

14	60
20	

The Oneida forms a natural canal of twenty miles in length, and communicates by the Onondago and Oswego rivers with lake Ontario. The distance by water down those

two rivers to Oswego, DIST. FALL.
on lake Ontario, is Miles. Feet.
sixty-three miles.

The upper part of the navigation is generally good, but the last twelve miles from the Oswego falls, which are not passable, to lake Ontario, are a continued rapid. The fall from lake Oneida to lake Ontario has not been ascertained by actual measurement, but is estimated at 130 feet. From Rotterdam, on lake Oneida, to the mouth of Salmon creek, on lake Ontario, a few miles east of Oswego, the distance is twenty-two miles; and the ground being favourable, it is expected that the line of canal would not exceed twenty-six miles,

26	130
60	190

The elevation of the summit level between the Mohawk and the waters of lake Ontario, being only 390 feet above the tide water at Troy, and 190 feet above lake Ontario, a canal navigation is practicable the whole distance. Whether this should be attempted for a sloop or boat navigation, must depend principally, if not altogether, on the supply of water. It is stated that the canal from the summit level to Troy must necessarily follow the valley of the Mohawk, and perhaps occasionally enter and cross the river.

Calculated for a boat navigation, the expence may be estimated as followeth :

Mr. Weston estimated the expence of a canal from Lansing mills to tide water at Troy, around the Cohoes falls, at \$ 250,000

The distance from the summit level to Lansing mill is 120 miles, and to lake Ontario, deducting the twenty miles occupied by lake Oneida, forty miles, together 160 miles of canal, the digging of which, at 8000 dollars a mile, is 1,280,000

The fall from the summit level to Lansing mills is 250 feet, and to lake Ontario 190 feet, together 440 feet lockage, which will require fifty-five locks of eight feet lift each. These, at 7,500 dollars, the cost of the stone locks erected by the company at the little falls, will cost about 420,000

Feeder and aqueducts may be estimated at 250,000

Making altogether, \$ 2,200,000

It is not believed that a sloop navigation, if practicable, could be effected for a less sum than five millions of dollars. The following works have already been completed by the company :

At the little falls, a canal, three-quarters of a mile in length, has been opened, and a descent of forty-two feet effected by six locks of solid masonry, each of which is seventy feet long, and twelve feet wide. At the German flats, four

miles above the little falls, another canal, one mile in length, with two stone locks of the same materials and dimensions, effects a descent of ten feet.

On the summit level, a canal, one mile and three-quarters in length, and supplied with water from the river Mohawk by a short feeder, unites that river and Wood creek, by means of two locks of the same dimensions and materials, one at each extremity of the canal. All those canals are two feet and a half deep, twenty-four wide at bottom, and thirty-two at top, and admit boats of ten tons. It is proper to state, that, at first, wooden locks had been erected at the little falls, and brick locks on the summit canal. At both places they had become totally unfit for service at the end of seven years, and it was necessary to replace them by stone locks : a circumstance which encreased considerably the expence of the undertaking.

Several minor improvements have been made on the Mohawk ; and the navigation of Wood creek, of which the principal defect is want of water, has been improved by raising dams, and by the erection of four temporary wooden locks. But until a canal shall have been opened the whole distance from the summit level to lake Oneida, the navigation will be imperfect, and the profits inconsiderable.

The funds of the company do not enable them to undertake the necessary improvements at the two extremities of the line : a canal around the Cohoes falls to tide water, and another canal from lake Oneida to lake Ontario. The usual portage at the first place is from Schenectady to Albany ; and

From the Little DIST. FALL.
falls to fort Stanwix, Miles. Feet.
now Rome, 48 59½

This is the head of the navigation, and the summit level between it and West Wood creek, a branch of lake Ontario, is nine feet and three-fourths above that part of the river Mohawk where the navigation ceases,

13	93
4	4
<hr/>	
125	390

The whole course of the Mohawk is therefore 125 miles in length, and the fall through that distance, from the summit level to tide water, is 390 feet.

At the distance of one mile and three-quarters is Wood creek, the bed of which is used to its entrance into lake Oneida, the distance along its meanders being twenty-three miles, but in the line in which a canal might be cut, only fourteen miles, and the fall sixty feet,

14	60
20	

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a very good and expensive artificial road of sixteen miles, made by another company, unites the two towns. Another company has lately been incorporated for the purpose of making an artificial road at the other extremity of the line, from Rotterdam, on lake Oneida, to Salmon creek, on lake Ontario.

The capital of the company is 232,000 dollars, of which the state of New York owns 92,000; but, with the exception of one dividend of three per cent., all the tolls have been applied to the works; and, including these and a debt of 20,000 dollars due by the company, the whole expenditure amounts to 370,000 dollars. The annual tolls do not yet exceed 13,000 dollars.

III. *Niagara.*

The fall from lake Erie to lake Ontario has already been stated at 450 feet. A company had also been incorporated by the state of New York, for the purpose of opening a canal at this place; but it does not appear that any thing ever was attempted after the survey had been made. The intention seems to have been to open a canal navigation, for boats only, from fort Schlosser to Devil's hole; the lake itself, and Giles's creek, would have supplied the water, and the expence was estimated at 437,000 dollars.

It is, however, evident that the canal, in order to be as eminently useful as the nature of the undertaking seems to require, should be on such scale as to admit vessels which can navigate both lakes. Considering the distance, which in that case must be extended to

about ten miles, and the lockage of 450 feet, it is not believed that the expence can be estimated at less than 1,000,000 dollars.

The works necessary to effect water communications between the tide water of the North river, the St. Laurence, and all the lakes (lake Superior only excepted), are therefore estimated at four millions of dollars, viz.,

Northern navigation to lake Champlain,	800,000
Western navigation to lake Ontario,	2,200,000
Falls of Niagara for a sloop navigation,	1,000,000
	<hr/>
	4,000,000

The papers relative to those communications will be found under the letter (B); but the utility of these will not be confined to the extensive navigation of the lakes themselves. For the mountains being completely turned, when arrived into lake Erie, the ridge which separates the waters emptying into that and into lake Michigan, from the northern branches of the Ohio, and from the waters of the Mississippi, is of a moderate elevation, and is gradually depressed in its course westwardly. There is no doubt of the practicability of opening canals at a future period, between several of those waters, either by selecting proper levels, or by means of short tunnels across favourable parts of the ridge. It will at present be sufficient to point out the principal communications now in use.

The distance from lake Erie to lake Chetoughe, an extensive and important elevated reservoir, which is the source of the Canowango branch of the Alleghany, is

seven miles by a continual ascent, the elevation of which is not ascertained.

From Presqu' isle, on lake Erie, to Le Beuf, on French creek, another branch of the Alleghany, the distance is sixteen miles; and a company is incorporated by the state of Pennsylvania, for making an artificial road across that portage.

The navigation from lake Che-toughe, and from Le Beuf to Pittsburgh, offers no impediment whenever the waters are high; and the greater part of the salt now consumed in the north-west counties of Pennsylvania, as far as Pittsburgh, and some distance down the Ohio, is brought from the salt springs of New York, by Oswego, through lake Ontario; then across the portage of Niagara to lake Erie, and thence, by either of the two last-mentioned portages, to the waters of the river Alleghany.

The distance from the place where the Cayuga, a river emptying into lake Erie, ceases to be navigable, to the navigable waters of the Muskingum, which empties into the Ohio 170 miles below Pittsburgh, is only six miles; and a company is said to be formed for the improvement of that communication.

Sandusky river and the Scioto take their sources in the same swamp. The navigation of the Miami of lake Erie is interrupted by some falls; but its upper branches approach those of the Miami, of the Ohio, and of the Wabash, and are stated as being nearly on the same level.

The Illinois river, which empties into the Mississippi above St. Louis, rises in a swamp, which,

when the waters are high, affords a natural canoe navigation to the sources of Chicago creek, a short stream which falls into lake Michigan, at its southern extremity.

Another communication generally used by the Indian traders is that from Green bay, also in lake Michigan, to the Mississippi, by Fox river and the Ouisconsin. Nor is there any doubt that if the inland navigation between the North river and the lakes was completely opened, the whole Indian trade, either of the Mississippi by lake Michigan, or of the north-west by lake Superior, must necessarily centre in an Atlantic port of the United States: a consideration of minor importance as a commercial object, when compared with the other advantages of that great communication, but of great weight in its relation to the political intercourse of the United States with the Indians.

Interior Canals.

Under this denomination will be included all the canals of which any knowledge has been obtained, and which are not immediately on the rivers opening communications with the western waters or with those of the St. Lawrence, although some of them may be considered as extending those communications to more remote sea ports. The documents from which the information is extracted will be found under the letters (C. c.)

I. Merrimack.

The navigation of that river, which, rising in the state of New

Hampshire, falls into the sea at Newburyport, after a course of 180 miles, is interrupted by several falls. A canal called Blodget's canal has been opened around Asmoskeag falls. Lower down, and about forty miles from the sea, the Essex canal, four miles in length, and admitting boats drawing three feet and a half, will open a communication around the Patucket falls, effecting, through three locks, a descent of thirty-four feet. From the lower extremity of the canal, the river is navigable to the head of the tide at Haverhill, although the fall be forty-five feet within that distance. No particular account has been received of the capital expended; but it is believed that the work will be profitable to the undertakers.

The Middlesex canal, uniting the waters of that river with the harbour of Boston, is however the greatest work of the kind which has been completed in the United States.

That canal, twelve feet wide and three and a half feet deep, draws its supply of water from Sudbury or Concord river, a branch of the Merrimack, and from the summit ground extends six miles, with a descent of twenty-eight feet, to the Merrimack above the Patucket falls, and twenty-two miles, with a descent of 107 feet, to the tide water of the harbour of Boston. The descent to the Merrimack is effected by three, and that to tide water, by nineteen locks. They are all ninety feet long, twelve feet wide, of solid masonry, and excellent workmanship.

In order to open that canal, it was necessary to dig in some places to the depth of twenty feet, to cut through ledges of rocks, to fill

some vallies and morasses, and to throw several aqueducts across the intervening rivers. One of these across the river Shawshine is 280 feet long, and twenty-two feet above the river. All these obstacles have been overcome, and boats of twenty-four tons, seventy-five feet long and eleven feet wide, can navigate the canal. Those in most general use are of smaller dimensions, and are drawn by two horses at the rate of three miles an hour. A raft of one mile in length, and containing eight hundred tons of timber, has been drawn by two oxen, part of the way, at the rate of one mile an hour. Common boats pass from one end of the canal to the other in twelve hours. The capital expended on the work is stated at 478,000 dollars, and the water rights and necessary land cost a further sum of 58,000 dollars. The total expence has exceeded 550,000 dollars: the tolls have never yet exceeded 17,000 dollars a year, but are increasing.

Several other canals have been contemplated in the state of Massachusetts, intended to unite the waters of Providence or Patucket river with those of Charles river, which falls into the harbour of Boston, and of the river Connecticut. The grounds have been surveyed, but no particular description has been obtained, and the works have not yet been commenced.

II. *Schuylkill and Delaware.*

A company was incorporated several years ago, by the state of Pennsylvania, for opening a canal from Norristown, on the river Schuylkill, to the tide water of the Delaware at Philadelphia. The distance is sixteen miles, the fall

fifty-three feet, and the canal, deriving its water from the Schuylkill, would have been carried on a level to Philadelphia, and in its descent to the Delaware supplied the city with water, and the shipping with docks. The expence had been estimated at 533,000 dollars; the work was commenced, one-third part of the digging effected, and a considerable sum expended. But either from want of funds, or from an improper selection of the ground, or from other causes not fully understood, the undertaking, if not altogether abandoned, has been suspended for several years.

This canal was intended as the first link of an extensive western communication. The Schuylkill, from Norristown to Reading, forty-six miles higher up the river, being navigable a great portion of the year, was considered as the next link.

III. *Schuylkill and Susquehannah.*

Another company was incorporated, for the purpose of opening an inland navigation between Reading, on the Schuylkill, to Middletown, on the Susquehannah. Both towns are in the great Lime-stone valley, beyond the Blue Ridge, and the distance is seventy miles. It had been at first supposed, that it would be sufficient to cut a canal four miles in length, on the summit level between the two rivers; and thereby to unite the Tulpehocken, which falls into the Schuylkill, with the Quitipahilla, a branch of the Swatara, which empties into the Susquehannah. But it was soon ascertained that the original plan of improving, by a succession of dams, the navigation of those small rivers was erroneous, and

that it would be necessary to cut a canal the whole way.

The summit level is at an elevation of 310 feet above the Schuylkill, and of 308 feet above the Susquehannah. Adjacent springs are considered sufficient for the upper locks; and the creeks would, after a short descent, afford an abundant supply. The proposed dimensions of the canal were a breadth of twenty feet at the bottom, and a depth of three feet and a half; and the expence was estimated at near 1,500,000 dollars.

The work was commenced: the canal has been cut the whole distance of four miles on the summit level; five locks made of brick have been constructed; land and water rights have been purchased, and a considerable capital has been expended. But although the state of Pennsylvania has permitted the company to raise 266,000 dollars by lottery, and is bound to pay to them 300,000 dollars whenever the work shall have been completed, it remains suspended for want of funds.

The great lockage necessary for this canal is the principal objection to that line of communication; and it has been suggested that a canal from Columbia, on the Susquehannah, to tide water, or to the great Delaware and Chesapeake canal, would be much less expensive, and equally beneficial both to the interior country and to Philadelphia. This question, as many others suggested in this report, cannot be decided by any but practical and skilful engineers.

IV. *Appomattox.*

A company has been incorporated for opening a canal from the

upper end of the falls of that river, which is the south branch of James river, to Petersburg, on the head of the tide. The distance is five miles, and the descent more than thirty feet to a bason, about sixty feet above the tide, in which the canal will terminate. The water is drawn from the river; and the canal, sixteen feet wide, three feet deep, and admitting boats of six tons, is nearly completed. The capital already expended amounts to 60,000 dollars. But the company own thirty negroes, and suppose that their labour, and a further sum of 10,000 dollars, will be sufficient to build the locks, and to dig about half a mile which remains to be cut, in order to open the communication between the river and the bason. This work, which has been carried on with much zeal, and at a small expence, will open an important navigation of near 100 miles.

V. *Neuse and Beaufort.*

The harbour of Beaufort, in North Carolina, and which must not be confounded with that of the same name in South Carolina, admits vessels drawing eighteen feet of water. Ocracoke inlet, the only navigable entrance into the Pamlico and Albemarle sounds, that extensive estuary of the rivers Chowan, Roanoke, Tar, and Neuse, has less water, and is seventy miles from Newbern, on the last-mentioned river. The distance between Newport or Beaufort river and the Neuse being only three miles, and the elevation of the highest intervening ground no more than seven feet above tide water, a canal uniting the two rivers was undertaken by

a company incorporated for that purpose by the state of North Carolina. All the shares have, from particular circumstances, become the property of one individual; and the work, which had been commenced some years ago, is now suspended.

VI. *Cape Fear River.*

A company incorporated by the same state, for improving the navigation of this river, after having exhausted a portion of their funds, which did not exceed 12,000 dollars, in fruitless attempts to improve the natural navigation of the river, have opened a canal with a lock, which opens a safe passage around the Buck-horn or great falls, seven miles below the junction of the Deep and Haw river. Another canal, six miles in length, with two locks, is necessary around Smilie's falls. Nearly half that distance has been completed; but the work is now suspended for want of funds. The legislature has lately authorized the company to encrease their capital.

VII. *New Orleans.*

The canal Carondelet, which has already been mentioned, extends from Bayou St. John to the fortifications or ditch of the city, and thereby opens an inland communication with lake Pontchartrain. A company is incorporated by the territorial legislature, for the purpose of repairing and improving that work, and of uniting the canal, by locks, with the Mississippi. Independent of other advantages, this undertaking would enable government to transport with facility and use the same na-

val force for the defence of both the Mississippi and lake Pontchartrain, the two great avenues by which New Orleans may be approached from the sea.

Turnpike, or Artificial Roads.

A great number of artificial roads have been completed in the eastern and middle states, at an expence varying from less than 1,000 to 14,000 dollars a mile. The labour bestowed on the least expensive species consists in shortening the distance, diminishing the ascent of hills, removing rocks, levelling, raising, and giving a proper shape to the bed of the roads, draining them by ditches, and erecting bridges over the intervening streams. But the natural soil of the road is used, instead of covering it with a stratum of gravel or pounded stones.

It appears by one of the papers marked (D), under which letter will be found all the information which has been obtained respecting roads, that fifty turnpike companies have been incorporated, since the year 1803, in the state of Connecticut alone; and that the roads undertaken by those companies are all of that description. Thirty-nine of these roads, extending together 770 miles, are completed. The most expensive is that from Newhaven to Hartford, which has cost 79,261 dollars; or, the distance being thirty-four miles and three-quarters, at the rate of 2,280 dollars a mile: but about 18,000 dollars of the capital have been expended in the purchase of the land through which the road is carried. The nett income on this road, deducting the annual repairs and expences from the annual tolls, does not

exceed 3,000 dollars. Of six of the roads, which together extend 120 miles, no account has been received. The other thirty-two extend together 615 miles, and have cost only 340,000 dollars, or, on an average, at the rate of 550 dollars a mile; and it seems that the aggregate of annual tolls on the whole is 86,000 dollars; from which deducting the annual repairs and expences, amounting to 48,000 dollars, leaves a nett income of 38,000 dollars, or of about eleven per cent., on the capital expended.

No particular account has been received of the roads in the other eastern states; but it is known that, besides some of a similar description with those of the state of Connecticut, several of a more expensive kind have been completed, particularly in Massachusetts. The cost has varied from 3,000 to 14,000 dollars a mile; and amongst artificial roads of the first grade may be mentioned those from Boston to Providence, to Salem, and to Newburyport. These are all covered with an artificial stratum of gravel or pounded stones, and finished in the most substantial manner. Great expence has also been incurred, in order to shorten the distance without exceeding the angle of ascent, which is fixed at five degrees; and it is stated that the road to Newburyport, thirty-two miles in length, and in which marshes and rocks presented considerable obstacles, has cost 400,000 dollars, or at the rate of 12,500 dollars a mile. Those expensive roads, however useful and permanent, appear to be much less profitable than those of Connecticut. The Salem road is said to yield six per cent.; another road has been

stated as yielding eight per cent.; the income of all the others in the state of Massachusetts is said not to exceed, on an average, three per cent.; and that of the road from Boston to Newburyport amounts to no more than two per cent.

A greater capital has been vested on turnpike roads in the state of New York than in any other. In less than seven years, sixty-seven companies have been incorporated, with a nominal capital of near 5,000,000 of dollars, for the purpose of making more than 3,000 miles of artificial roads; and twenty-one other companies have also been incorporated, with a capital of 400,000 dollars, for the purpose of erecting twenty-one toll bridges. Although no particular account has been received, either of the capital actually expended, or of the annual amount of tolls, or of the materials of the roads, it is known that great progress has been made; and it has been stated that 900 miles of road were already completed by twenty-eight companies, whose capital amounted to 1,800,000 dollars, and who had 200 miles of road more to finish.

Those roads extend in every direction, but particularly from every town or village on the North river, westwardly and north-westwardly, towards the waters of the Susquehannâh, and those of the great lakes. The most expensive is that from Albany to Schenectady, fourteen miles long, and which has cost at the rate of 10,000 dollars a mile. Near 140 miles of roads, extending westwardly from Albany and Schenectady, appear to have cost at the rate of 2,500 or 3,000 dollars a mile. The expence of all the

others does not seem, on an average, to exceed 1,250 dollars a mile.

More detailed information has been obtained respecting the roads in New Jersey, Pennsylvania, and Maryland.

In New Jersey a turnpike road has lately been completed from Trenton to Brunswick. The distance is twenty-five miles; the greatest angle of ascent three degrees; and the road is nearly in a straight line, the only considerable obstruction being the "Sand hills," through which it was necessary to dig at the depth of thirty feet, in order not to exceed the angle of ascent. The road is thirty-six feet wide, fifteen feet of which are covered with about six inches of gravel. A few wooden bridges, with stone abutments and piers, have been erected across the intervening streams. The whole expence is stated at 2,500 dollars a mile. From Brunswick the road will be extended to Elizabethtown, and the work is now progressing. Another road has been undertaken in the same state, from Brunswick to Easton, on the river Delaware. The distance is forty-three miles, of which eleven have been completed, at an expence of 40,000 dollars. This road will be more expensive than the preceding, both on account of the ground, the bridges being more numerous, and the Blue Ridge (Muscone-kong mountain) intervening; and because a more substantial facing or greater thickness of gravel is requisite. The funds of the company are exhausted.

In Pennsylvania artificial roads, of the most substantial kind, have been completed, or are progressing, from Philadelphia, in sundry directions.

The principal are to Bristol and Trenton, twelve miles of which are completed; to Germantown and Perkiomen, with two branches to Willow Grove and to Chesnut Hill; and to Lancaster and Columbia, with a branch to Harrisburgh.

The distance from Philadelphia to Perkiomen is twenty-five miles and a quarter; the two branches extend, one ten miles, and the other seven miles and a half; making together near forty-three miles. The angle of ascent is four degrees; the breadth of the road fifty feet, of which twenty-eight feet, having a convexity of fifteen inches, are covered with a stratum either of gravel eighteen inches thick, or of pounded stones twelve inches thick. One half of the stones forming the lower part of the stratum are broken into pieces not more than five inches in diameter; the other half or upper part of the stratum consists of stones broken into pieces not more than two inches and a half in diameter; and this difference in the size of the stones is represented as a considerable defect. Side or summer roads extend on each side of the gravel or stone road. The five miles next to Philadelphia have cost at the rate of 14,517 dollars a mile. The other twenty miles and a half at the rate of 10,490 dollars a mile. Yet there were no natural impediments, and only small bridges or culverts were necessary. The capital expended on these twenty-five miles and a half is 285,000 dollars; the tolls amount to 19,000 dollars; the annual repairs and expences to 10,000 dollars; the nett income to about 9,000 dollars, or little more than three per cent. on the capital expended.

The distance from the Schuylkill, at Philadelphia, to Lancaster, is sixty-two miles and a quarter. Exclusively of the side or summer roads, twenty-four feet of the bed of the road are covered with a stratum of pounded stones, eighteen inches thick, in the middle of the road, and decreasing each way to twelve inches. The Valley hills are the most elevated and steep on the road; but the angle of ascent no where exceeds four degrees. Stone bridges have been erected across all the intervening streams. That across the river Conestogo, consisting of nine arches, is private property; and the most expensive, built by the company, is that across the Brandywine, consisting of three arches of solid masonry, and which cost 12,000 dollars. The capital of the company amounted to 360,000 dollars; but this being insufficient, it became necessary to apply a considerable portion of the tolls to the completion of the work. The whole expence amounts to 465,000 dollars, or at the rate of about 7,500 dollars a mile. The annual tolls have not yet exceeded 25,000 dollars; and the annual repairs and expences are estimated at 13,000, leaving a nett income of about 12,000 dollars. The prospect of an increased profit, derived from the proposed extension of the road, has however raised the price of that stock nearly to par.

The Lancaster road, the first extensive turnpike that was completed in the United States, is the first link of the great western communication from Philadelphia. It has been extended ten miles westwardly to Columbia, on the Susquehannah, and another branch is now progressing north-westwardly to Harrisburgh, also on the Sus-

quehannah, and thirty-six miles from Lancaster. The state of Pennsylvania has also incorporated two companies, in order to extend the road, by two different routes, as far as Pittsburgh on the Ohio, and near 300 miles from Philadelphia. The southern route, following the main post road, passes by Bedford and Somerset. The northern route passes by Huntingdon and Frankstown, the highest point to which the Juniata branch of the Susquehannah is navigable. To this route the state has authorized a subscription of one hundred thousand dollars.

Other roads in a north-west direction from Philadelphia, towards the Genesee and Presqu' isle, on lake Erie, are also progressing, and have been encouraged by the subscriptions or donations of the legislature. They are generally on a much less expensive plan than those in the direction of Pittsburgh. A section of thirty miles, from Lausanne, on the Lehigh, to Nescopeck, on the Susquehannah, has been completed at the expence of 36,000 dollars, by a company; and it is intended to extend it seventy miles further to Newton, on the Tioga branch of the Susquehannah.

In Maryland, roads extending from Baltimore, in various directions, have lately been undertaken by several companies, and are rapidly progressing. On the falls turnpike, which extends in a northerly direction, about four miles of a road, twenty-two feet wide, covered with a stratum of pounded stones ten inches thick, and having an ascent not exceeding four degrees, have been completed at the rate of 7,500 dollars a mile.

The "Reister-town" turnpike, in a north-westwardly direction,

extends sixteen miles to that village; whence two branches, extending one nineteen and the other twenty-nine miles farther, will enter Pennsylvania at two different places. The road, twenty-four feet wide, is covered with a stratum, twelve inches thick, of pounded stones, not more than three inches in diameter. The angle of ascent does not exceed three degrees and a half. Ten miles have been completed, at the expence of 10,000 dollars a mile, and the work is progressing. The capital of the company amounts to 420,000 dollars.

The capital of the "Fredericktown" turnpike company amounts to 500,000 dollars; and the company is authorized to open the great western road, as far as Boonsborough, beyond the Blue Ridge, and, sixty-two miles from Baltimore. The angle of ascent will not exceed four degrees; the road has a convexity of nine inches, and, on a breadth of twenty-two feet, is covered with a stratum ten inches thick of pounded stones, not exceeding three inches in diameter, over which are spread two inches of gravel or coarse sand. The first twenty miles next to Baltimore have cost at the rate of 9,000 dollars, and the next seventeen miles are contracted for at the rate of 7,000 dollars a mile.

The distance from Boonsborough to Cumberland, at the foot of the Alleghany mountain, following the present road, is seventy-three miles, and, although the company is not yet authorized to extend the turnpike to that place, the ground has been surveyed, and it is ascertained that the road may be continued, with an angle of ascent not exceeding four degrees. The ascent of the road

laid out by the United States from Cumberland to Brownsville, on the Monongahela, does not exceed five degrees, and the distance is seventy-two miles, making the whole distance of a turnpike road from Baltimore to the navigable waters of the Ohio, 207 miles. The distance from the city of Washington to the same spot on the Monongahela is some miles shorter, being, as has already been stated, the shortest communication between tide water and the navigable western waters.

South of the Potomac few artificial roads have been undertaken. From Alexandria one is now progressing in a north-westwardly direction towards Middleburgh. Another has lately been commenced from Richmond to Ross's coal mine. But the only one which, so far as any accounts have been received, is completed, extends twelve miles from Manchester, opposite to Richmond, in a westwardly direction to the coal mines of Falling creek. This road, thirty-six feet wide, is gravelled, and has cost 50,000 dollars: but the last four miles did not cost more than at the rate of 3000 dollars a mile. Yet it is sufficiently substantial, the route being very level, to admit waggons carrying four tons.

The greater progress made in the improvement of roads in the northern parts of the union must be principally ascribed to a more compact population, which renders those improvements more necessary, and at the same time supplies with greater facility the means of effecting them. The same difference is perceptible in the number of bridges erected in the several states.

VOL. III.

In the eastern states, and particularly Massachusetts, wooden bridges, uniting boldness to elegance, and having no defect but want of durability, have been erected over the broadest and deepest rivers. In the lower counties of Pennsylvania, stone bridges are generally found across all the small streams. Both in that state, and at some distance eastwardly, bridges with stone piers and abutments, and a wooden superstructure, are common over wide rivers. Of these the most expensive, and which may be considered as the first in the United States, is the permanent Schuylkill bridge, near Philadelphia, erected by a company at an expence of 300,000 dollars. Its length, including the abutments, does not exceed 750 feet, and it is supported only by two piers and the abutments. But those piers, 195 feet apart, are of the most solid workmanship, and one of them was sunk at a depth of more than twenty-four feet below low water. The bridge is forty-two feet wide, and the wooden superstructure is enclosed and covered with a shingle roof.

The want of bridges south of Pennsylvania, even on the main post road, is sensibly felt. One lately thrown across the Potomac, three miles above the city of Washington, and which, without any intervening piers, is wholly suspended to iron chains extending from bank to bank, deserves notice on account of the boldness of its construction, and of its comparative cheapness. The principle of this new plan, derived from the tenacity of iron, seems applicable to all rapid streams of a moderate breadth.

3 S

The general principles of improved roads seem to be: 1st, the reduction of hills, by diminishing the angle of ascent, which ought not to exceed, whenever practicable, three degrees and a half, and under no circumstances five degrees: 2d, a sufficient convexity in the bed of the road, together with ditches and drains, all which are intended to prevent the injury caused by standing water or freshets: 3d, an artificial bed of pounded stones or gravel, sufficiently substantial to support the weight of the carriages in general use on the road, either for the conveyance of persons, or for the transportation of merchandize.

On the last point, it appears from the facts already stated, or scattered in the communications received on that subject: 1st, that the stones ought to be similar in quality and reduced to the same size, which should not exceed three inches in diameter: 2d, that the preferable qualities of stone rank in the following order: hard black stone, granite, flint, or quartz, blue lime-stone, white ditto: 3d, that the stratum may be either of pounded stones twelve inches thick, or of pounded stones ten inches thick, with two inches of gravel spread over the stones; or entirely of gravel eighteen inches thick: 4th, that when the materials are equally convenient, the expence of these three modes will not materially differ, but that the rate of expence depends principally on the number of hills and bridges, distance of materials, breadth of the road, and price of labour: and 5th, that the general adoption of broad wheels, for the transportation of heavy loads, is necessary to the full enjoyment of

the advantages expected from the most substantial artificial roads. On the degree of convexity, and on the proper shape to be given to the natural bed of the road under the artificial stratum, a diversity of opinion seems to prevail.

The roads heretofore made may be divided into three general classes.

1. Those where the only improvement consists in the reduction of hills, and in the convexity and ditches of the road, whereby the angle of ascent is rendered more easy, and standing water excluded, but where the natural soil is used without any artificial stratum. The expence of these roads may vary, according to local circumstances and the perfection of the work, from 500 to 1000 dollars a mile. They are most generally in use in the eastern states, and may be introduced with advantage in all those districts of country, where wealth does not admit more expensive improvements, or where the materials of an artificial stratum are altogether wanting. It is only in the last case that they may be considered as an national object; and no other improvement, besides bridges and causeways, is perhaps practicable in the lower country of the southern states. Iron, and even timber rail roads, may, however, be sometimes substituted in those level parts of the country, where stones and gravel are not to be found.

2. Roads prepared as above, of a reduced breadth, and covered with a thin coat of gravel, not more than six or nine inches thick; such as the turnpike lately made between Trenton and Brunswick. These roads, the expence

of which may be estimated at about 3000 dollars a mile, may be used wherever the frost does not materially affect them, and in every climate, when they are intended principally for the conveyance of persons, and not for the transportation of heavy loads.

3. The artificial roads of the best construction, such as have been already described, These, when not exceeding twenty-two feet in breadth, and except in the vicinity of large cities, will cost at the rate of 7000 dollars a mile, exclusively of bridges over large rivers; and they must be resorted to, whenever a *commercial* road for heavy transportation is intended, particularly in the middle states, or rather in the United States between forty-one and thirty-six degrees of north latitude. North of the forty-first degree, the snow lies generally during the whole winter; and the great bulk of heavy transportation is effected in sleighs during that season. There is therefore less necessity for using the roads in the spring, and they are also better protected against the effects of the frost by the snow. South of the thirty-sixth degree, which in the Atlantic states may be considered as the boundary of the great cotton cultivation, the frost does not materially injure the roads. It is between these two extremes that the most substantial are required; and it also happens that the great land communications with the western country, which considerably increase the amount of transportation, are principally within the same limits.

The same principles, which have directed the arrangement adopted in this report, in relation

to canals, will also point out those roads which seem in the first instance to claim the patronage of the general government.

Those which appear more necessary for the communications between the Atlantic and western rivers have already been mentioned under that head; and the improvement of the water communication between the North river and the great lakes ought to take the precedence of any other in that direction.

That road which therefore seems exclusively to claim public attention, is a great turnpike extending from Maine to Georgia, in the general direction of the sea coast and main post road, and passing through all the principal sea ports. The general convenience and importance of such a work are too obvious to require any comments; and the expence seems to be the primary object of consideration.

The distance will be roughly estimated at 1,600 miles; and, from what has been stated on the subject of roads generally, it may be inferred that the greater part of the road being intended almost exclusively for travelling, and not for transportation of heavy articles, the expence cannot exceed the rate of 3000 dollars a mile. For although some detached portions of the route, being commercial roads, must be improved as such, and at a greater expence, an equivalent reduction in other parts will result from those portions which are already improved by private companies, and from the impossibility, for want of materials for an artificial stratum, of going in some places beyond what has been described as the first or cheapest species

of turnpikes. The whole expence may therefore be estimated at 4,800,000 dollars.

A secondary object, but of more importance to government than to individuals, would be the improvement, on a much less expensive scale, of certain portions of roads leading to some points on the extremes of the union, intended principally for the purpose of accelerating the progress of the mail, and the prompt transmission of information of a public nature. The points contemplated are, Detroit, St. Louis, in Upper Louisiana, and New Orleans. The portions of road, which, traversing a wilderness, cannot be improved without the aid of the United States, are, from the Tuscarora branch of the Muskingum to Detroit; from Cincinnati, by Vincen-

nes, to St. Louis; and from Nashville, in Tennessee, or Athens, in Georgia, to Natches. The expence necessary to enable the mail and even stages to proceed at the rate of eighty miles a day, may, at the rate of about 200 dollars a mile, including bridges over all the small streams, be estimated for those three roads at 200,000 dollars.

Recapitulation and Resources.

The improvements which have been respectfully suggested as most important, in order to facilitate the communication between the great geographical divisions of the United States, will now be recapitulated, and their expence compared with the resources applicable to that object.

I. From north to south, in a direction parallel to the sea coast:

	<i>Dollars.</i>
1. Canals opening an inland navigation for sea vessels from Massachusetts to North Carolina, being more than two-thirds of the Atlantic sea coast of the United States, and across all the principal capes, cape Fear excepted,	3,000,000
2. A great turnpike road from Maine to Georgia, along the whole extent of the Atlantic sea coast,	4,800,000
	<hr/> 7,800,000

II. From east to west, forming communications across the mountains between the Atlantic and western rivers:

1. Improvement of the navigation of four great Atlantic rivers, including canals parallel to them,	1,500,000
2. Four first rate turnpike roads from those rivers across the mountains, to the four corresponding western rivers,	2,800,000
3. Canal around the falls of the Ohio,	300,000
4. Improvement of roads to Detroit, St. Louis, and New Orleans,	200,000
	<hr/> 4,800,000

III. In a northern and north-westwardly direction, forming inland navigations be-

tween the Atlantic sea coast and the great lakes and the St. Laurence :

1. Inland navigation between the North river and lake Champlain,	800,000	
2. Great inland navigation, opened the whole way by canals, from the North river to lake Ontario,	2,200,000	
3. Canal around the falls and rapids of Niagara, opening a sloop navigation from lake Ontario to the upper lakes, as far as the extremities of lake Michigan,	1,000,000	4,000,000
		<hr/>
Making together,		\$ 16,600,000
		<hr/>

IV. The great geographical features of the country have been solely adhered to in pointing out these lines of communication; and these appear to embrace all the great interests of the union, and to be calculated to diffuse and encrease the national wealth in a very general way, by opening an intercourse between the remotest extremes of the United States. Yet it must necessarily result from an adherence to that principle, that those parts of the Atlantic states through which the great western and north-west communications will be carried, must, in addition to the general advantages in which they will participate, receive from those communications greater local and immediate benefits, than the eastern, and perhaps southern states. As the expence must be defrayed from the general funds of the union, justice, and perhaps policy not less than justice, seem to require that a number of local improvements, sufficient to equalize the advantages, should also be undertaken in those states, parts of states, or districts, which are less immediately interested in those inland communications. Arithmetical precision can-

not indeed be obtained in objects of this kind; nor would an apportionment of the monies applied, according to the population of each state, be either just or practicable: since roads, and particularly canals, are often of greater utility to the states which they unite, than to those through which they pass. But a sufficient number of local improvements, consisting either of roads or canals, may, without any material difficulty, be selected so as to do substantial justice, and give general satisfaction. Without pretending to suggest what would be the additional sum necessary for that object, it will, for the sake of round numbers, be estimated at

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An annual appropriation of 2,000,000 of dollars would accomplish all those objects in ten years, and may, without inconvenience, be supplied in time of peace, by the existing revenues

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and resources of the United States. This may be exemplified in several ways.

The annual appropriation on account of the principal and interest of the public debt, has, during the last six years, amounted to 8,000,000 of dollars. After the present year, or, at farthest, after the ensuing year, the sum which, on account of the irredeemable nature of the remaining debt, may be applied to that object, cannot in any one year exceed 4,600,000 dollars, leaving, therefore, from that source alone, an annual surplus of 3,400,000 dollars, applicable to any other object.

From the first of January, 1801, to the first of January, 1809, a period of eight years, the United States shall have discharged about 34,000,000 of the principal of the old debt, or, deducting the Louisiana debt, incurred during the same period, and not yet discharged, about 23,000,000 of dollars. They may with equal facility apply, in a period of ten years, a sum of 20,000,000 of dollars to internal improvements.

The annual permanent revenue of the United States, calculated on a state of general peace, and on the most moderate estimate, was, in a report made to congress, on the 6th day of December, 1806, computed, for the years 1809—1815, at 14,000,000 of dollars. The annual expences on the peace establishment, and including the 4,600,000 dollars on account of the debt, and 400,000 dollars for contingencies, do not exceed 8,500,000, leaving an annual surplus of 5,500,000 dollars. To provide for the protection and defence of the country, is undoubtedly the object to which the resources of the

United States must, in the first instance, be applied, and to the exclusion of all others, if the times shall require it. But it is believed, that in times of peace (and to such period only are these remarks applicable) the surplus will be amply sufficient to defray the expences of all the preparatory measures of a permanent nature, which prudence may suggest, and to pay the sum destined for internal improvements. Three millions, annually applied, during the same period of ten years, would arm every man in the United States, fill the public arsenals and magazines, erect every battery and fortification which could be manned, and even, if thought eligible, build a navy. That the whole surplus would be inadequate to the support of any considerable increase of the land or naval force kept in actual service in time of peace, will be readily admitted. But such a system is not contemplated: if ever adopted, the objects of this report must probably be abandoned. For it has not heretofore been found an easy task for any government to indulge in that species of expences, which, leaving no trace behind it, adds nothing to the real strength of the country, and at the same time to provide for either its permanent defence or improvement.

It must not be omitted, that the facility of communications constitutes, particularly in the United States, an important branch of national defence. Their extensive territory opposes a powerful obstacle to the progress of an enemy. But, on the other hand, the number of regular forces which may be raised, necessarily limited by the population, will for many

years be inconsiderable, when compared with that extent of territory. That defect cannot otherwise be supplied, than by those great national improvements, which will afford the means of a rapid concentration of that regular force, and of a formidable body of militia, on any given point.

Amongst the resources of the union, there is one, which, from its nature, seems more particularly applicable to internal improvements. Exclusively of Louisiana, the general government possesses, in trust for the people of the United States, about 100,000,000 of acres fit for cultivation, north of the river Ohio, and near 50,000,000 south of the state of Tennessee. For the disposition of these lands, a plan has been adopted, calculated to enable every industrious citizen to become a freeholder, to secure indisputable titles to the purchasers, to obtain a national revenue, and, above all, to suppress monopoly. Its success has surpassed that of every former attempt, and exceeded the expectations of its authors. But a higher price than had usually been paid for waste lands by the first inhabitants of the frontier became an unavoidable ingredient of a system intended for general benefit, and was necessary, in order to prevent the public lands being engrossed by individuals, possessing greater wealth, activity, or local advantages. It is believed that nothing could be more gratifying to the purchasers, and to the inhabitants of the western states generally, or better calculated to remove popular objections, and to defeat insidious efforts, than the application of the proceeds of the sales to improvements conferring general advantages on the

nation, and an immediate benefit on the purchasers and inhabitants themselves. It may be added, that the United States, considered merely as owners of the soil, are also deeply interested in the opening of those communications, which must necessarily enhance the value of their property. Thus the opening of an inland navigation from tide water to the great lakes, would immediately give to the great body of lands bordering on those lakes as great value as if they were situated at the distance of 100 miles by land from the sea coast. And if the proceeds of the first 10,000,000 of acres which may be sold were applied to such improvements, the United States would be amply repaid in the sale of the other 90,000,000.

The annual appropriation of 2,000,000 of dollars drawn from the general revenues of the union, which has been suggested, could operate to its full extent only in times of peace, and under prosperous circumstances. The application of the proceeds of the sales of the public lands, might perhaps be made permanent until it had amounted to a certain sum, and until the most important improvements had been effected. The fund created by those improvements, the expence of which has been estimated at 20,000,000 of dollars, would afterwards become itself a perpetual resource for further improvements. Although some of those first communications should not become immediately productive, and although the same liberal policy, which dictated the measure, would consider them less as objects of revenue to government, than of increased wealth and general con-

venience to the nation, yet they would all sooner or later acquire, as productive property, their par value. Whenever that had taken place in relation to any of them, the stock might be sold to individuals, or companies, and the proceeds applied to a new improvement. And, by persevering in that plan, a succession of improvements would be effected, until every portion of the United States should enjoy all the advantages of inland navigation and improved roads, of which it was susceptible. To effect that great object, a disbursement of 20,000,000 of dollars, applied with more or less rapidity, according to the circumstances of the United States, would be amply sufficient.

The manner in which the public monies may be applied to such objects remains to be considered.

It is evident that the United States cannot, under the constitution, open any road or canal, without the consent of the state through which such road or canal must pass. In order therefore to remove every impediment to a national plan of internal improvements, an amendment to the constitution was suggested by the executive, when the subject was recommended to the consideration of congress. Until this be obtained, the assent of the states being necessary for each improvement, the modifications under which that assent may be given, will necessarily controul the manner of applying the money. It may be however observed, that, in relation to the specific improvements which have been suggested, there is hardly any which is not either already authorized by the states respectively, or so immediately beneficial to them, as to

render it highly probable that no material difficulty will be experienced in that respect.

The monies may be applied in two different manners: the United States may, with the assent of the states, undertake some of the works at their sole expence; or they may subscribe a certain number of shares of the stock of companies incorporated for the purpose. Loans might also in some instances be made to such companies. The first mode would, perhaps, by effectually controlling local interests, give the most proper general direction to the work. Its details would probably be executed on a more economical plan by private companies. Both modes may perhaps be blended together, so as to obtain the advantages pertaining to each. But the modifications of which the plan is susceptible must vary, according to the nature of the work and of the charters, and seem to belong to that class of details which are not the immediate subject of consideration.

At present, the only work undertaken by the United States at their sole expence, and to which the assent of the states has been obtained, is the road from Cumberland to Brownsville. An appropriation may for that purpose be made at any time. In relation to all other works, the United States have nothing at this time in their power but to assist those already authorized, either by loans, or by becoming stockholders; and the last mode appears the most eligible. The only companies incorporated for effecting some of the improvements considered in this report as of national and first rate importance, which have applied for such assistance, are the Ches-

peake and Delaware canal, the Susquehannah canal, and the Dismal swamp companies; and authority might be given to subscribe a certain number of shares to each, on condition that the plan of the work to be executed should be approved by the general government. A subscription to the Ohio canal, to the Pittsburgh road, and perhaps to some other objects not fully ascertained, is also practicable at this time.

As an important basis of the general system, an immediate authority might also be given to take the surveys and levels of the routes of the most important roads and canals which are contemplated: a work always useful, and by which the practicability and expense of the undertakings would be ascertained with much more correctness than in this report. A moderate appropriation would be sufficient for these several objects.

In the selection of the objects submitted in obedience to the order of the senate, as claiming in the first instance the aid of the general government, general principles have been adhered to, as best calculated to suppress every bias of partiality to particular objects. Yet some such bias, of which no individual is perfectly free, may, without being felt, have operated on this report. The national legislature alone, embracing every local interest, and superior to every local consideration, is competent to the selection of such national objects. The materials contained in the papers herewith transmitted, and the information to be derived from surveys taken under the authority of the general government, will furnish the facts necessary for a correct decision.

VOL. III.

Two communications by Mr. B. H. Latrobe, and by Mr. Robert Fulton, marked (E.) and (F.), are in the meanwhile respectfully referred to, as containing much interesting practical information, connected with observations of a general nature, on the subject.

All which is respectfully submitted.

ALBERT GALLATIN,
Secretary of the treasury.
Treasury Department, 4th April,
1808.

—
Circular Queries, by the Secretary of the Treasury, in order to obtain information.

NOTE.—All the documents were obtained in answer to these queries.

Queries respecting canals.

1. Points united by canal, and their distance by said canal.
2. Elevation of the highest ground through which canal passes; descent thence to the two extremities; and number of miles where canal is level.
3. Number, dimensions, contents, construction, and situation of locks.
4. Supply of water; whence obtained; its amount reduced to cubic feet per minute, hour, or day; its elevation above the highest point of the canal; length of feeders; situation and contents of reservoirs. What additional resources may be resorted to if the present supply should fall short of the quantity wanted?
5. Designation of such parts of the route where the natural or improved bed of rivers is used.
6. Depth and breadth of canal; burthen of vessels; breadth of towing paths.

7. Aqueducts across valleys or rivers; tunnels through hills; bridges across the canal.

8. Particular obstructions and difficulties surmounted or to be encountered.

9. Defects, either in the plan or execution, and the proposed remedies.

10. Estimate of the tonnage of vessels; species, weight, and value of the articles annually conveyed by the canal; expence of carriage by canal, compared with land or river carriage before canal was made; time employed in navigating through the whole canal.

11. Capital already expended, vested, or wanted for completing the work.

12. Expences per mile and in the whole, and, as far as practicable, of every component part of the work in all its details.

13. Rate and gross amount of tolls; annual expences of repairs and contingencies; annual nett income.

14. Substance of charters and acts of legislature on the subject.

Queries respecting artificial roads.

1. Points united and their distance.

2. Elevation of the hills over which the road passes; greatest angle of ascent which has been allowed.

3. Breadth, form, materials of the artificial road.

4. Bridges, their dimensions, materials, construction.

5. Particular obstructions and difficulties surmounted, or to be encountered.

6. Expences per mile, and in the whole, and, as far as practicable, of every component part of the work in all its details, viz., forming the bed of the road, cut-

ting hills, quarrying, transporting, breaking, laying stones or gravel, &c.

7. Capital already expended, vested, or wanted for completing the work.

8. Rate and gross amount of tolls; annual expences of repairs and contingencies; annual nett income.

2. Substance of charters and acts of legislature on the subject.

Mr. Latrobe's Communication.

(E.)

Washington, March 16, 1808.

SIR,

I have the honour of your letter of the 29th of July, 1807, transmitting to me a copy of the resolution of the senate of the United States, of the 2d of March, 1807, together with a list of queries respecting artificial navigations, and canals, to which you request my answer and opinion.

In order to give you all the information on this subject which you wish, and I possess, and in the most condensed form, I ask your permission to depart from the order which your questions demand, and, after treating the subject generally, to enter upon an account of those works, in detail, with which my personal experience has made me more particularly acquainted.

The most striking circumstance in a view of the Atlantic states of the union, in relation to the improvement of their internal navigation, is the uniformity of the natural arrangement of the rivers and mountains, and that this arrangement differs from that of every other country in which ar-

tificial navigation has been attempted.

In other countries, the general course of all the rivers is between the mountains and along the valleys; in this, the general course of all the rivers is across that of the mountains and of the valleys. Our mountains, from their termination to the south-west in Georgia, hold a course to the east of north; the general direction of our principal rivers into the east of south; and, on inspection of the map, it will be observed, that as the direction of the mountains to the north-east of the Delaware becomes more easterly, so do our rivers acquire a more southern course, always crossing the mountains at nearly the same angle.

Our rivers may be divided into three classes: *primary rivers*, that discharge their water immediately into the ocean: of these the relative magnitude might be rated according to the surface they respectively drain; *secondary rivers*, or such as fall into the first, above their tide water; and *creeks*, properly so called, which rise below the falls of the first rivers, or rather collect the water of the level land below the falls, and discharge it into the tide waters.

Of our *primary rivers*, the Susquehannah is the principal. By a great degree of geographical injustice, this mighty river loses its name at the foot of its falls, and is called the Chesapeake bay from thence to the ocean; although its width, compared with its length, forbids the term of bay to be applied to what is called the Chesapeake. All of these rivers cross, in the greatest part of their course, the direction of the mountains. Of the *secondary rivers*, many of which

are of great importance and magnitude, some, and perhaps the greatest number, hold a course parallel to the mountains, as the Shenandoe, the Conogocheague, the Lehigh, &c., draining the valleys, and receiving the torrents of the mountains.

The *third order* of our water courses rise either in the lowest ridge of our hills, which I will call the granite ridge, and over which all our principal rivers, from Georgia to the Hudson, fall, and then run through the alluvial country which lies between the granite ridge and the ocean: as, for instance, the Nottoway, the Blackwater, the Meherrin, the Annacosto (eastern branch of Potomac), the Elk river, and the very important creek in the state of Delaware, the Christiana; or they are merely drains of the alluvial country, assuming an appearance of importance below the head of the tide, above which they are mere torrents, almost dry in the autumn. Such streams are all the rivers of the eastern shore of the Chesapeake, and of the lower part of the Jerseys, and innumerable water courses, forming large estuaries in the southern states.

Our great north-western lakes, from their first source to the eastern end of lake Erie, may be considered as part of the great river St. Laurence, following the direction of the rest of our rivers, until opposed by the northern extremity of the Alleghany. From thence its course follows the valley west of the Alleghany, through lake Ontario to the ocean, receiving the waters of the northern extremity of the mountain in its course.

This general view of the construction of our country was ne-

cessary, in order to understand the general principles on which our artificial navigation can be so conducted, as to be useful, or even practicable; and to explain why connections of waters, which on the map appear advantageous and feasible, would be useless, and perhaps impracticable, by any effort of art.

Two principal objects will dictate all the exertions towards the improvement of our internal navigation, which can for many years to come be attempted: 1. To carry our produce by water to the nearest port for its exportation, and the importation of foreign articles: 2. To exchange by internal commerce the articles reciprocally deficient on lines parallel to the sea coast. Canals, the use of which arises from manufacturing activity, will not probably be soon required.

The first object, as all our principal rivers run seaward, and generally by the shortest course, must be attained by the natural or improved navigation of the rivers themselves, or by canals cut parallel to them; the second may often require a navigation parallel to the valleys, so as to communicate one principal river with another.

The former attempt at improved navigation has already been made on many of our principal rivers; the latter has been seldom undertaken, and only once above the falls of both primary rivers, in the canal intended to join the Susquehannah and Schuylkill, and the Schuylkill and Delaware rivers above Philadelphia.

The general construction of our country opposes to artificial navigation, in either of these directions, difficulties, which in no part of the world exist in so uniform

and certain a degree. Canals parallel to our rivers have three formidable obstacles to encounter and overcome.

1. The rapid descent of the ravine cut through the mountains by the river itself, along which the canal must be carried; or, if the ravine be quitted, difficulties on the high levels, which, the further you go from the river, are always intersected by the more numerous ravines, and embarrassed by the difficulty of returning to the ravine of the river.

2. The invariably rocky nature of the ground, which is uniformly of granite in all its varieties, and has numerous fissures which carry off the water, and require lining.

3. The difficulty of keeping off the land water, and of crossing the lateral branches and torrents of the river.

On the other hand, canals parallel to our mountains must necessarily cross the ridge or spur of the mountain which divides the waters of two primary rivers. On this ridge above the falls, the water requisite to supply the canal is always scanty, often there is none; and though a tunnel or a steam engine, or, in the last resort, a rail road, are certain means of obviating the difficulty, they are expensive, inconvenient, and imperfect. Below the granite ridge, the difficulty is less. There may always be found a supply of water from the ridge itself; and the feeders, though carried through rocky and expensive ground, are themselves useful as small canals, as far as they extend; and below the ridge the soil is easily cut and embanked.

Having so frequently mentioned the granite ridge, I will here

trace its extent, as far as my knowledge of our country enables me to do it.

The granite ridge forms the shore of the north side of Long island, opposite to the island of New York. All the south of the island is alluvial, and is the first margin of alluvial soil below the granite ridge. This margin of alluvial soil, beginning at Long island, widens as it extends to the south-west, until in Georgia it becomes more than 200 miles in width.

Staten island and Bergen point are two spurs of this same ridge, which continues nearly in the line of the post road to Trenton, where the river Delaware falls over it, having worn down the rocks more deeply there than many other of our rivers. The Delaware runs in its general direction for 60 miles under the ridge, as far as Newcastle, leaving it only for a short distance at particular bends of the river. At Philadelphia the ridge crosses the peninsula to Gray's ferry, on Schuylkill. The softer granite of Schuylkill has been worn down so that the falls are four miles from its lower edge. From Philadelphia the ridge runs with the post road to Havre de Grace, where it is visible on both shores, although the tide extends six miles above, to the foot of the falls.

The Susquehannah, by the name of the Chesapeake, may be considered as running under the foot of the granite ridge almost as far as Baltimore, which city is built upon the foot of the ridge. At the river Patuxent, on the post road, the ridge appears again, but is lost under the incumbent soil, and is not again visible until it appears at Georgetown. The hard-

er granite of the Potomac has resisted the force of the water more than the granite further to the north-east, and the tide reaches only three miles above its outrunings. From the Potomac, the falls of Rappahannoc, at Fredericksburgh, of James river, at Richmond, Appomatox, at Petersburg, Roanoke, at Halifax, beyond which point my personal observation does not extend, point out the course of this ridge in a line nearly parallel to the Blue Ridge, diverging to the eastward as it extends southward.

Of the improvement of the natural navigation of our rivers leading to the sea, and of canals cut parallel to them.

The difficulties of the natural navigation of our rivers are: in spring, the danger of wreck in the wild water of our rapids; in autumn, obstructions created by rocky shoals; and, in most of them, rapids and falls impracticable at all times. The least expensive and most obvious means of removing the former are the blowing of the most prominent rocks, so as to straighten the channel, and procure a passage at low water. This has, in almost all our rivers, been attempted on a greater or less scale, and with various degrees of success. When injudiciously performed, and in rivers of rapid descent, and liable to great variation in the quantity of their water, more injury has been done than advantage obtained. Many of our worst obstructions act as natural dams, which, holding up the water, create a large extent of excellent navigation above them. Of this the James river, above Westham, and the Susquehannah,

above Chickisalonga and Hunter's falls, are instances in point. Such obstructions, when removed, let down the water rapidly from above, without supplying deeper navigation below.

In a river of such magnitude as the Susquehanna, indeed, no gap or sluice artificially cut can materially affect the rapidity of the stream; but in lesser rivers great care is required, not only to prevent lowering the water above, but to avoid giving a new direction to the current, more mischievous in its effects than that which has been changed. But with whatever judgment the natural navigation of a river perplexed by rapids and shoals may be conducted, and however its descent may be thereby facilitated, its ascent cannot possibly be rendered more easy, in the same degree. Thus, for instance, although, by the monies expended by the state of Pennsylvania and the Susquehanna canal company on the natural navigation of the Susquehanna below Wright's ferry, it has been rendered much less dangerous to run down the distance of forty-one miles, almost the whole of which is a tremendous rapid, from Columbia to the tide, and thereby to carry lumber, iron, and agricultural produce to Havre de Grace, and thence to Baltimore; yet, so difficult is the up-stream navigation by the same route, even with the assistance of the Susquehanna canal, that the returns in imported articles have been generally purchased in Philadelphia, and conveyed to Columbia or Middletown, above the rapids, by the Lancaster turnpike, thence to be boated to the country watered by the upper branches of the Susquehanna. And although the Philadelphia

market has hitherto offered more advantages to the buyers of imported goods than that of Baltimore, yet the expence of transporting them seventy-two miles by land to Columbia would, if there were a good navigation from Havre de Grace upwards, destroy this advantage.

The difficulty of carrying canals parallel to our great rivers, the scarcity of engineers possessing knowledge and integrity, the want of capital, and above all the erroneous dread of bold measures, and the fear of uselessly expending money in works hitherto unknown among us, has deterred those interested in improving our navigation from deserting the beds of our rivers, while it was practicable to keep them. They have therefore had recourse to canals only where navigation was otherwise impossible; where obstructed by rocks, or broken by a cascade.

There cannot, however, be a reasonable doubt, that if in England, where, compared with the United States, the quantity of water in the rivers varies little between the driest and the wettest period of the year, a canal running parallel to a river furnishes a much more certain, and safe, and equal, and cheap navigation than the river itself, it is infinitely more the case here. Unfortunately those of our canals which have been cut to pass the rapids and falls of our rivers, partake in a great measure of the inconveniences of the rivers themselves; some wanting water when the river is low, some incapable of being entered excepting at a particular height of the water in the river, some subject to constant accumulation of bars, and all of those

with which I am acquainted much less useful than the money expended on them ought to have made them.

Those canals, of which I now particularly speak, are, the James river canal, the Potomac canal, the Conewago and Susquehannah canals. Of the canals north of the Delaware, and south of Virginia, I have not sufficient knowledge, nor can I speak of the Appomattox canal. It is, I believe, not liable to the same strictures in all points, which I shall make upon the others; but though I am well acquainted with the ground, I have not seen the manner in which the work has been executed.

One great and fatal error has been interwoven into the scheme of the other canals, excepting only that of the Potomac. They have been dug as much with a view to the erection of mills, as to the purposes of navigation. To fit them for mill-races, their descent is rapid, and their current strong. They are liable, of course, to the variation of the quantity of water in the river; they bring down with their current the alluvium of the river; bars are formed in them, as well by this alluvium as by the land wash; and their banks, where they are not of rock, or walled, are liable to perpetual wear by the current. The canal is, besides, itself an inconvenient rapid to those who would ascend it.

Besides these inconveniences, the contracts binding the company to furnish to the millers the water, when it rises above a certain gage-selle, for an annual rent, or on other fixed and permanent terms, tie the canal company to the original construction of the work, and forbid future improve-

ment. For instance, if a lock were found to be useful above the highest mill, it could not be erected, because it would rob the mills below of their stipulated water; the inclination of the canal cannot be lessened, because it would have the same effect. In the James river canal, more than in any other which I have seen, this error, though now generally considered as a very great advantage, will at some future period be discovered and deplored. The Potomac canal, more especially that of the little falls, has the same defect of a too rapid descent, although the object of a mill-race is placed by their charter out of view. But its principal defect is of another kind, to which that of James river is also, but in a less degree, subject. It receives the wash of all the hills and ravines of the north bank, which ought to be discharged through culverts, or carried over bridges; and that legislative impartiality which has required the canal to enter the river at the very head of the tide, in order that Virginia may have an equal chance of becoming the depot of its commerce with Maryland, has very much injured its utility to the country at large.

In a still greater degree than the Potomac canal, the Susquehannah canal, beginning at the Maryland and Pennsylvania line, and ending at the head of the tide, has the defect, not only of receiving the land-wash of the hills and ravines, but also two considerable rivers, the Conewingo and Octorara, partaking thus of all the danger arising from their inundations, and receiving their alluvium. This canal is also applied to the purposes of a mill-race. Other inconveniences attend it, which arise from

the most unfriendly nature of the river, and the local feelings of the state legislatures of Pennsylvania and Maryland, at the period of the incorporation of the company.

The Conewago canal, about fifty miles higher up the Susquehannah, is also a mill-race, and is the property of an individual. It is of difficult entrance, which is to be regretted, as it ought to be the means of passing a short but very dangerous fall of the river, which interrupts a long extent of very good navigation.

Having thus pointed out the general and common defects of these canals, to which I may add the general want of proper slopes to their banks, I will now enter upon the very thankless task of giving an honest opinion respecting them in detail, viewing only the public interests, and perfectly conscious of the bearing of what I shall say upon private feelings. These feelings, however, are extremely short-sighted; for nothing could be more advantageous to the individuals most interested, than those measures which would most benefit the public.

The James river and Appomattox canals stop short of tide water. The most important of these canals is that of James river. Upon the coal mines of James river our Atlantic sea ports will soon become dependent for their chief supply of fuel. That dependence exists already in respect to the fuel required for a variety of manufactures, and, even now, the smiths within ten miles of our sea ports require, in order to carry on advantageous business, a supply of Virginian coal. There are three means (and I think only three) by which the Virginian

coal can be brought to the tide:

1. By a small canal and rail roads, immediately from the mines south of the river to the shipping tide water at Amphyll or its neighbourhood, along the valley of Falls creek; distance, I believe, twenty miles. This is a route easily practicable, and at a moderate expence, for Falls creek rises in the coal mines themselves.
2. By the turnpike road to Manchester opposite Richmond. This road has been some time completed, and is of the highest utility.
3. By James river to the head of the falls, and thence by the canal to Richmond. This is, for two-thirds of the coal country, the best and most obvious route; for from all the mines the coal may easily be brought to the river on rail roads, and thence boated, independently of the cheaper conveyance which Tuckahoe creek might be made to yield to a great extent of coal land now little worked. But of what adequate use is this navigation in boats carrying at an average 200 bushels of coal only, when, if the canal were well constructed, 1000 bushels might be as easily and cheaply conveyed; and when, on their arrival in Richmond, they must be unloaded, again loaded into carts, and carried down by a bad road to the tide at Rockets, to be shipped? The Manchester turnpike, with all its expence of waggon, horses, and drivers, and the consequent waste of labour, capital, food, and forage, is a better, and, I am told, as cheap a mode of conveyance.

The means by which the canal itself may be made much more useful, I will not consume your time and patience in detailing; what is most important, taking the

whole subject into view, is to connect the canal, such as it is, with the tide.

In the year 1796, Mr. Weston, then engineer to the western navigation companies of the state of New York, was called to Richmond to give his advice and opinion on this subject. It amounted to this: to connect the basin with the foot of the falls, by a succession of ten or eleven locks in one tier, carrying the race of Ross's mill upon an aqueduct across the canal at the foot of the locks. With all deference to his talents, I cannot help remarking, that of all expensive projects of which I ever heard, this would have been one of the most useless: for, independently of the excessive inconvenience and detention which such a tier of locks, at the most busy part of a navigation, would occasion, the boats would arrive at their foot in a very considerable rapid, now impracticable, and which could only be made practicable by blowing up the rocky bed of the river. When arrived there, two miles of tide water must be encountered, to navigate which these boats are wholly unfit. I cannot help thinking that the present mode of conveying the coal to Rockets is not much less eligible. I refrain from stating many other objections, which are professional, and which I believe were, as well as those already mentioned, as evident to Mr. Weston as to myself; but objections of another nature, more powerful than mere physical difficulties, opposed every project excepting that which he proposed.

In order to connect the basin of the James river canal with the tide, a very simple means is offered by the nature of the ground. To do this it will be necessary to form a

capacious basin at Rockets, communicating with the tide by one or more locks; to carry a canal from thence along the level bank of James river to Shockoe creek. A cheap aqueduct of one arch of thirty feet span will carry the work across the creek into the back street. The canal will then go up the back street, mounting by successive locks, not more than two in each tier, into the basin. The canal from Rockets to the basin on Shockoe hill should be of nine feet draft of water, and the locks 100 feet long and eighteen feet wide. This canal would of course bring vessels which navigate our coast and bays, and run out to the West India islands, into the basin on Shockoe hill.

The legislature of the state of Virginia (for the commonwealth is deeply interested in the stock) has from time to time expressed great anxiety on the subject of completing this canal. But the dread of unforeseen difficulties and risks, in carrying the work below the basin, and the value and productiveness of the stock in its present state, have hitherto over-balanced this anxiety. But considering Richmond as the principal source of fuel to the cities on our sea coast, at least until the mines of cape Breton shall supply us, I feel a national sentiment in deeply regretting the very fatal policy which maintains and supports the error, and the mutilation of this most important work. I will not at the same time deny, that, when it is considered that those who projected and executed the canal were men of no acquaintance either with general science, or with this particular branch of art, and knew nothing of canals but from books or hearsay, they

have already done wonders. They deserve the thanks of their state, and of the union. But the work should not stop where they have left it. Nature has, perhaps, done more for Richmond, than for any scite where a city has been planted. For ten miles above the city, on both sides, and upon several islands of the stream, there are innumerable mill seats, supplied by one of the noblest rivers in the union. Immediately above the head of the falls lies an inexhaustible treasure of coal. Every art and manufacture to which human ingenuity can employ fire and water, may be here carried on with the least expence. From above, an easy and wide spreading navigation collects on this spot all the raw materials which our climate can produce ; below, a river capable of bearing sea vessels sufficient for every trade, but that across the ocean, is ready for the exportation of its merchandize. The town itself is placed on a healthy and commanding ground. But to improve these advantages to the utmost extent to which our population is equal, nothing would so much contribute as the completion of the Richmond canal.

I have dwelt specially on the coal trade, to which this canal is subservient, as of first rate national importance. It is of no less importance to the state of Virginia as a means of conveyance of agricultural produce. As you will receive an answer in detail to your queries relative to the amount of all the sorts of produce carried upon it, and of its actual trade, I will not add any thing further to what I have already said on the subject, but to observe, that, at some distant period, the Chickahominy, a river rising in the coal

country, and discharging itself into James river, miles below Richmond, where ships may take in their cargoes, offers a means of carrying down the coal destined for distant exportation.

A canal has often been projected for passing the falls of the Rappahannoc at Fredericksburg. There is no reasonable hope, however, that this work can soon be executed. The ravine of the river at the falls on either side is so abrupt, rocky, and irregular, that great expence must be incurred to effect it ; an expence not likely to be repaid by its trade for many years.

A canal to connect the Rappahannoc with the Potomac, a few miles below Fredericksburg, across the northern neck, has also been spoken of. It would be a highly useful work, but would require a tunnel of two or three miles. I believe it could be executed at an expence not greater than the tolls would remunerate. Such a canal, however, does not belong to the class of which I am now speaking.

The Potomac canal consists of two parts : one to pass the Great falls, fourteen miles above Georgetown ; the other to pass the Little falls. The errors committed in the construction of the work have been enumerated above. The trade of this canal, especially during the year 1807, has been so great, that there appears every prospect of its becoming a productive work, *in those years* in which there is a considerable and equal quantity of water in the river. But upon this circumstance it must always depend. The information respecting it, which can be obtained from the company, on the spot, renders it unnecessary for me to say more upon it.

No attempt at the improvement of the navigation of any of the rivers of Maryland between the Susquehannah and the Potomac has been made, nor is there in the prospects of advantage to be derived from the navigation of the two Patuxents, the Patapsco, or any of the lesser rivers falling into the Chesapeake, any thing which could at present tempt capital into such an undertaking.

But the Susquehannah itself has been for many years the object of almost all the attention directed in the states of Maryland and Pennsylvania to the improvement of our internal navigation. About six miles above Havre de Grace, this mighty river meets the tide. The place is now known by the name of Smith's ferry. The map of the river from thence up to Wright's ferry (Columbia), in Pennsylvania, which I made in the year 1801, when directing the works carried on for the improvement of the natural bed of the river, and which, by favour of the governor of Pennsylvania, I am able to exhibit with this memoir, will explain the nature of this part of the river very minutely, being drawn to a very large scale. The whole of this extent is one tremendous rapid, which, in fact, continues to the N. W. side of the Chickalunga hills, three miles above Columbia. The rapid is not every where of equal velocity, or equally dangerous. Wherever the river crosses a valley of lime-stone or slate, the rocks are worn down into a smoother and wider bed; but when it has to cross a ridge of granite, its course is immediately broken by irregular masses and range of rocks; its

bed is narrow and enclosed by precipices, and its torrent furious and winding.

The Chickisalunga falls can be descended without danger, and no attempt to open them has been thought necessary. The ridge of granite hills through which they break, bounds, on the N. W., the beautiful lime-stone valley of Columbia. Across this valley the river runs rapidly, but smoothly. Another narrow ridge of granite hills crosses the river immediately below Columbia, over which the river falls rapidly, and then enters the wider lime-stone valley known by the name of the Jochara valley. The river spreads here to the width of three miles, its stream is gentle though rapid, and it abounds in beautiful and fertile islands. It then suddenly contracts, and is received into the narrow ravine which it has *sawed* down in the granite hill called Turkey hill. From its first entrance into the Turkey hill to the tide, there is no part that deserves the name of a sheet of smooth water. When the river is full, the whole ravine, about half a mile in width, contains only one furious torrent, in which few rocks comparatively are to be seen above the water; but the danger is not the less, and very skilful pilots, and many and stout hands, are required to carry a boat or an ark safely down. But in the autumn, and in a dry season, the river itself can for six miles scarcely be seen, and its bed appears a barren and dry waste of irregular rocks, among which the loud roaring of water is only *heard*: for, from the Turkey hill to near the mouth of Conestogo, the whole river is discharged

through a channel generally about sixty feet wide, in the greatest part of which the depth and the rapidity of the torrent is such, that it has not been fathomed. About a mile below the mouth of Conestogo, a narrow lime-stone valley touches the river on the N. E. side, but on the west shore not a trace of lime-stone is to be seen. Four miles below Burkhalter's ferry, the river arrives at the high range of granite hills, abounding in copper, in which the gap mine is situated, and, at a place called M'Call's ferry, it narrows to the width of sixteen perches. Here I attempted to find bottom with a line of 180 feet, but failed, notwithstanding every precaution taken to procure a perpendicular descent of the weight attached to it. Through this pass the water is rapid, but smooth and safe. The river rises here rapidly and very suddenly after the fall of rain above; and it will never be possible to erect a safe bridge at this place, so often mentioned as the most practicable. The obstructions to navigation by three rapids below M'Call's, is not so considerable as to endanger the arks and boats that descend, until they arrive at the Baldfriar falls, below Peachbottom, and about eight miles above the tide. From M'Call's to the slate valley of Peachbottom, the river is filled with islands called the Bear islands. Across the valley of Peachbottom, and above the Baldfriar falls, the river is wide and safe. The best natural navigation, and that always pursued by boats descending by the natural bed of the river, is on the west side, from the foot of the Bear islands. Above that point to Columbia, the best passage is on the east side. The

most dangerous falls below Peachbottom were Amos's and Hector's falls, on which many wrecks annually occurred, until the late improvements of the navigation were made.

From this description it may easily be imagined, that, if the descent of the river with boats loaded with produce was dangerous and difficult, the ascent was still more so. The natural obstructions were besides increased by fish-dams in every part of the river, and the rival interests of the states of Pennsylvania and Maryland prevented, for many years, every attempt at artificial improvement of the bed of the river. In the mean time, each state took measures to go as far towards rendering the navigation of this river useful to their respective interests as their means and limits would permit; and a company was incorporated in Maryland, to make a canal from the Maryland line to the tide, to pass all the obstructions of the river of the eight lowest miles; and in Pennsylvania two companies were also incorporated, the one to connect the Susquehannah with the Schuylkill, by a navigation taken out above all the dangerous falls, and the other to connect the Schuylkill with the Delaware. The objects of none of these companies were advantageously accomplished. The Susquehannah canal company have, however, completed a navigable canal, liable to the objections which I have above noticed. The Pennsylvania companies have made considerable progress in the works, under the direction of a very able engineer, Mr. Weston, but have not completed either canal so as to render them useful or productive.

At last, in the year 1801, the states of Maryland and Delaware having passed laws incorporating a company for the purpose of cutting a canal between the Chesapeake and Delaware, a former law of Pennsylvania, appropriating 10,000 dollars to the removal of obstructions in the Susquehannah, went into effect; and the late colonel Frederick Antes, than whom no man was better fitted to accomplish its object, was charged with its execution. But he died on his arrival at the river, and the direction devolved upon me. The enclosed report to the legislature on this subject details the extent of the work executed, and the principles on which I proceeded in the attempt to make a practicable and safe navigation both up and down the river. I will here only repeat, that all my exertions were bent to force, through all obstructions, a channel clear of rocks, of forty feet wide, close to the eastern shore, never leaving any rock upon which a vessel could be wrecked between the channel and the shore, so that in the most violent freshes a boat should always be safe, by keeping close in shore. Rocks of immense magnitude were therefore blown away, in preference to the following a crooked channel, more cheaply made, but more difficult and dangerous, and varying in safety and practicability, according to the degree of the rise of the river. There is, however, one part of the navigation in which the bed of the river must for ever be pursued, namely, from the Indian steps above M'Call's to below the gap at M'Call's: a part of the navigation, which, if art can conquer it, must be undertaken in a state of the country infinitely more

abounding in wealth and population than at present.

Of the Chesapeake and Delaware Canal.

Having now answered that part of your inquiry which relates to the general subject of canals, I come to the particular merits of the Chesapeake and Delaware canal, of which you have requested me to give special information, together with my opinion on its location, unbiassed by any interests but those of the public.

The very able report of the committee to whom your letter to the president and directors of the company was referred, and who did me the honour to confer with me on the subject, conveys to you all the information which can be given of the history of the company, their pecuniary resources and difficulties, the motives that directed their choice in the location of the work, and the system under which it was begun and pursued. Every thing also that can be collected by the most indefatigable inquiry as to the probable proceeds of the canal, and the advantages it offers to those who have adventured in it, is also detailed; and there remains to me only the task of giving you that professional information, which, as engineer to the company, I have obtained; and to explain to you the means of executing it, as far as they are determined by the nature of the soil and the levels of the country.

The alluvial land lying below that part of the granite ridge which crosses the peninsula from the ferry opposite to Havre de Grace, reaching the shores of the Delaware at Wilmington, may be considered as a regular inclined

plane, sloping gradually to the south-east at the rate of about six inches in a mile. Immediately below the granite ridge, that is, along the foot of Gray's hill, Iron hill, and along the south bank of Christiana creek, which runs parallel to, and close under the ridge, its highest inequalities seldom exceed eighty feet, nor does the common surface fall below seventy feet above the tide of the Chesapeake at high water. This plane extends from the granite ridge to the ocean, and the only considerable depressions to be found in it are the beds of the land drains, which are worn down into it and produce the appearance of valleys, but there are no insulated hills whatever, and the valleys are merely depressions of the ground below the plane. Hence it is evident, that, by going round the heads of the water courses, a line of canal may be found across the peninsula between any two points on the opposite bays, in which the variation of level on the summit will be very small, and that, by making the bank out of the spoils of the cut, a canal may be made at the smallest possible expence of digging and removing earth, and at no expence whatever for works of masonry, excepting at each end, where the descent requires the construction of locks; for, by following the ridge dividing the waters which drain into opposite creeks, the necessity of culverts and aqueducts may be wholly avoided. The soil is also of the kind most easily cut, being generally of a sandy loam on and near the surface, and beds of good clay are found in abundance for all purposes of puddling.

The advantage of so level and soft a surface for the cut is coun-

terbalanced by the total absence of water to supply it. This circumstance is very important in determining the choice of the line of the canal, among so many that are equally practicable: for, as all its water must be brought from the higher grounds upon the ridge, its location ought to be as near to the ridge as possible, in order that, the feeder being short, the leakage and evaporation of a long feeder may be avoided. The location of the two ends of the canal does not, however, entirely depend upon its general course along the summit; and a great variety of terminations have been proposed, as equally eligible, both on the Chesapeake and the Delaware side. The former, after long and careful examination, has been decided in favour of Welch point, where there has, within the memory of man, been no diminution in the depth of the water, which is below the deposit of alluvium from Elk creek, and where the water is so wide and so deep as to furnish a very capacious basin, for many years to come, for the inconsiderable land wash of Back creek and the small drains in the neighbourhood. But on the Delaware side, much difference of opinion has prevailed. The summit level of the canal in every case must reach the principal road leading from Christiana bridge down the peninsula, near a tavern called the Bear. This place is only two miles distant from Hamburg or Red hook, on the bay of Newcastle, and a cheap and short cut might be made to either of these points, especially to Red hook, did not two considerations forbid it: the broad and wild water of the bay, and its shallowness at a great distance from the shore, there be-

ing only four feet six inches at low water. Newcastle is the next eligible point. Newcastle is situated on a prominent point, which is swept both by the flood and the ebb tide. There will, therefore, be always deep water at the *outer* wharves and piers at that place, and less than twenty-one feet has not been found on the outside of any of the piers lately erected; or formerly, and even at present, at the wharves, excepting only where the eddy occasioned by the piers has accumulated soft banks of mud.

There could not be a moment's hesitation in fixing the termination of the canal at Newcastle, unless the following reasons should be thought to outweigh the advantages of the best water in the Delaware, and the shortest navigation across the peninsula, which this point offers. It is in the first place feared, that, in time of war, when the canal would be invaluable as a means of conveyance of military stores and bodies of men, an enemy's ship of war might destroy the works at Newcastle in a sudden incursion, and return to sea, before the mischief could be prevented. It is further urged, that the mouth of the canal on the river below the tide would be liable to be filled up in a very short time, as are all places on the Delaware where there is an eddy. And it is also alleged, that Newcastle is situated so far below Philadelphia (thirty-three miles), that, unless with a favourable wind, dull sailing vessels cannot reach Newcastle in one tide, when they might reach the mouth of Christiana, four miles higher up the river, and go up the creek with the flood.

The first argument appears to me to be deserving of considera-

tion in a national point of view, and a small fort would be necessary to defend the mouth of the works against an enemy who should attempt to land, to blow them up. But they could not be injured, even by shells, beyond the destruction of the gates, which a few hours could put again into repair. To obviate the second objection, it would be necessary to place the tide lock as far out as possible, and to carry out and wharf the side of the canal below the lock, as far into the river as the most projected wharf. The line of the wharves is now limited to 600 feet beyond the lowest street, called Water street, and, unless further protruded into the river by a law of the state, this distance presents no formidable difficulty to the work, and places the utmost extension of the wharves beyond the present time. The third objection is not without foundation. But the narrow and crooked navigation of Christiana creek presents infinitely more causes of delay than the distance of four miles in the bold navigation of the Delaware. There is, however, in these objections, enough to render it an object of infinite importance, both to the nation and to the company, to avail themselves of both the eastern terminations of the canal, and to make a cut also from the Bear to the Christiana creek, about three miles above Wilmington, on a line not altogether so favourable nor so short as that to Newcastle, but presenting no difficulties of importance whatsoever. From the point (Mendenhall's) at which the termination is proposed, ten feet may be carried out to the river Delaware. The objections to this termination are: the tedious and very crooked naviga-

tion of the creek for seven miles to the Delaware; the drawbridge at Wilmington, which must be passed; but, more than any other, the opposition of the tides of Delaware and Christiana creek. For if a boat comes into the canal at Welch point at high water, and passes across in six hours, she will find half flood in Christiana, and must wait the ebb to go down. On her arrival in the Delaware in two and a half or three hours, she will have again to wait three or four hours for the flood to proceed to Philadelphia, or up the Brandywine to the celebrated mills, the interests of which are well worthy of attention. Whereas a vessel arriving at Newcastle, and finding the flood tide running, which will always happen if she comes to Welch point with a flood tide, may at once proceed up the Delaware, or up the Brandywine or Christiana creeks, without delay. It must also be mentioned, that, without a favourable tide, it is difficult to work down the Christiana creek against the wind, which is always unfavourable in some reach or other of its crooked navigation, when, on the contrary, there is ample room in the Delaware to use all advantages of wind and tide.

On the other hand, it must be urged in favour of Christiana creek, that there is navigable water for boats drawing eight feet, above the proposed termination of the canal, as far as Christiana bridge, and that the navigation may be pushed still higher; that the little town of Newport is now the depot of the produce of a very extensive and fruitful country extending into Lancaster county, and is twenty miles nearer to Lancaster than Philadelphia, and

that, to connect so important a field of productive business immediately with the canal, it may be worth while to incur an increased expence, and some inconvenience and delay in the mere *thoroughfare* navigation; and it may be added, that the large fixed capital of the town of Wilmington, far exceeding that of Newcastle, demands from the good policy, as well as the good will of the company or the nation, some consideration.

Well aware of the thankless task of giving a decisive and honest opinion on either side, I content myself with furnishing the materials of determination to you, and proceed to describe the nature and principles of the work actually executed in the feeder, and proposed for the canal.

Between the waters of the Chesapeake and the Delaware there are three streams, which, rising in the high land above the canal, may be brought down to it as feeders, the Christiana creek, the Whiteclay creek, and the Elk itself.

The Elk and the Whiteclay are nearly equal in the regular quantity of water they supply, the Christiana is both smaller and more irregular. The Elk descends in a very crooked and rapid stream, eighty-four feet in four miles from Elk forge to the tide near Elkton, and unites with the wide water of the Chesapeake at Turkey point. The ridge that separates its waters from those of the Delaware terminates in a high insulated hill, called Gray's hill, which is united to the high land by a low and narrow ridge, crossing the post road on the boundary line of Delaware and Maryland. The Christiana creek is the first water

falling from the high land into the Delaware. It collects all the waters that fall round the high insulated hill called Iron hill, at the north-east foot of which it turns to the north-east, and, running in that direction under the foot of the granite ridge into the Delaware, receives the Whiteclay, Redclay, and Brandywine in its course, and also numerous land drains from the level land to the south-east. Of these three streams it has been ascertained that they may all be brought to the canal, but the Elk with the least expence and the shortest cut. The valleys in which they all run having been worn in deep and rocky land, and branching into deep ravines, the beds of rapid rivulets, offer great difficulties to the work necessary to divert their course.

In the Elk feeder, the canal is cut in the rock for about half a mile; embankments are made across several valleys; but the principal difficulty and expence consisted in cutting through a tongue of high land called Bellhill, through which the digging is thirty feet for near half a mile, and again through the dividing ridge to the depth of twenty-five feet, for above half that distance: these two difficulties have been conquered. Another smaller hill remains to be cut through, but it may be avoided by a circuitous cut, much less expensive, but also much less eligible. On the Delaware side of the ridge, the feeder is cut through a swampy flat of more than a mile in length, while the descent is only six inches. The general elevation of this flat is eighty-six feet above the tide, and, as the head of the feeder at Elk forge is only eighty-four feet, it could have little descent, and falls only two

inches in a mile. It has on this account been made a spacious canal of three feet six inches water, twenty-two feet six inches on the surface, and twelve feet at the bottom, affording as far as it goes a good and valuable inland navigation. The feeder is six miles in length; at the end of five miles is a lock for the passage of boats, and a side cut to communicate with the reservoir. A contiguous valley offers the means of making a reservoir, of more than 100 acres. It has been proposed to embank thirty acres for this purpose. The lock is of ten feet lift. The reservoir will be level with the upper feeder, of course ten feet above the level of the canal, and under such a head will give the canal a plentiful and rapid supply as it is wanted. Below the lock the feeder is five feet deep, and twenty-seven feet on the surface of the water: it will join the canal about a mile west of Aikentown. In the construction of the feeder, permanence has been a very principal consideration. All the culverts are of solid masonry; no land water can run into the cut; the banks are sloped as two to three; the embankments are well puddled; and the piers of the bridges are of hewn stone.

From the description which I have given of the soil of the peninsula, it is evident that the amount of digging constitutes the chief expence of the canal. To lessen this amount and to shorten the canal, it is proposed to quit the level in three places, and to cross three land drains that lead into Christiana creek, one at Aikentown, and two between Aikentown and Bear. Small aqueducts and short embankments only are necessary to effect this. If the

canal should terminate at Newcastle, a narrow marsh must also be crossed; if at Christiana, deeper cutting must be encountered.

But neither of these difficulties increase the expence of the canal more than 7,500 dollars each, beyond that of the same length of the general cut.

On all other points the report of the committee furnishes ample information; and I will only add, that neither in Europe, nor in our own country, do I know a line of inland navigation, which, by so short a distance, and at so easy an expence, unites such extensive and productive ranges of commercial intercourse.

With the highest respect, I am yours,

B. H. LATROBE.

*Albert Gallatin, Esq., Secretary
of the Treasury.*

POSTSCRIPT.

April 1, 1808.

In the questions proposed to me by you, the subject of artificial roads was comprehended. But being informed by you that the canal companies of Pennsylvania and Maryland had transmitted to you ample accounts of their undertakings, and as in their works experience has taught a system and mode of execution of the most perfect kind, I have refrained from adding any thing to the information thus acquired. It has, however, occurred to me, that a few remarks upon rail roads might not be unacceptable to you, especially as the public attention has been often called to this sort of improvement, and the public mind filled with very imperfect conceptions of its utility.

Rail roads may be constructed of iron or of timber. The most durable (but also the most expensive) rail roads consist of cast iron rails let down on stone foundations; such roads will last for ages. Cast iron rails, secured on beds of timber, are sufficiently durable for our country, and of moderate expence. Rail roads entirely of timber are fit only for temporary purposes.

A rail road consists of two pair of parallel ways, one pair for going, the other for returning carriages: single roads, with occasional passing places, are applicable to some situations, and are of course less expensive. I will concisely describe the road best adapted to the objects that in our country can be attained by it: *the rails* are of cast iron, and consist of a tread and a flanch, forming in their section the letter \sqsubset . The tread is three inches wide, the flanch two inches high. The rails need not be more than five-eighths of an inch *average* thickness, and they may be cast in lengths of five to six feet each; each rail will, at six feet length, contain 225 cubic inches, which, at four inches to the pound, is fifty-six pounds each rail, or one hundred weight for every six feet in length of the road, or forty-four ton per mile.

In order to form a road of these rails, they must be laid at the distance of from three and a half to five feet (according to the carriage that is to run upon them), parallel to each other; the ends of every two pair of rails being let and pinned down into a piece of timber lying across the roads, the holes for the pins must *be cast* in the rails. These pieces of timber may be of any form, provided they are level at the top, and they can-

not be a great part of the expence of the road in any situation. The most durable timber is certainly the best: but no timber can be very durable in the situation it must occupy on the surface, and partly or wholly covered with earth. The perfection of the road consists in the parallel rails being laid perfectly level with each other across the road, and perfectly jointed. In most parts of the union the rails could, I think, be delivered at from eighty to ninety dollars per ton, and in many at sixty dollars, but, taking eighty dollars as the average on the spot, the road will cost:

Rails delivered, forty-four ton, at eighty dollars,	3,520
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Levelling the road, very uncertain, but I will suppose as an average for levelling and filling in with good gravel or broken stone, two dollars fifty cents per perch, or per mile,	800
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Timber and bedding, at fifty per rail,	440
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Incidents and superintendence,	240
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	5,000
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For a set of returning ways,	5,000
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Total per mile,	\$10,000
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The carriages which travel on these roads may be of various dimensions, agreeably to the material to be conveyed, and the necessary angle of the road. They have low cast iron wheels fast upon the axle, which turns round. Thus, the two wheels on the axle making the same number of revolutions in the same space of time,

the carriage necessarily goes straight forward, and cannot be thrown off the ways by any small obstruction on one side.

The principle upon which such astonishing loads may be drawn on the ways by a single horse, is the diminution of friction in the greatest possible degree. On a good rail road, descending under an angle of only one degree, one horse may draw eight tons in four waggons of two tons each, without difficulty. The astonishing loads drawn upon rail roads by single horses in England, have induced many of our citizens to hope for their early application to the use of our country. I fear this hope is vain, excepting on a very small scale, and that chiefly in the coal country near Richmond. For it is evident that upon a rail road no other carriage but that which is expressly constructed for the purpose can be employed, and that, to render a rail road sufficiently saving of the expence of common carriage, to justify the cost of its erection, there must be a very great demand for its use. But the sort of produce which is carried to our markets is collected from such scattered points, and comes by such a diversity of routes, that rail roads are out of the question as to the carriage of common articles. Rail roads leading from the coal mines to the margin of James river, might answer their expence, or others from the marble quarries near Philadelphia to the Schuylkill. But these are the only instances within my knowledge, in which they at present might be employed.

There is, however, a use for rail roads as a temporary means of overcoming the most difficult

parts of artificial navigation, and for this use they are invaluable, and in many instances offer the means of accomplishing distant lines of communication, which might otherwise remain impracticable, even to our national resources, for centuries to come.

—
Mr. Fulton's Communication.

(F.)

SIR,

By your letter of the 29th of July, I am happy to find that the attention of congress is directing itself towards the opening of communications through the United States, by means of roads and canals; and it would give me particular pleasure to aid you with useful information on such works, as I have long been contemplating their importance in many points of view.

But a year has not yet elapsed since I returned to America, and my private concerns have occupied so much of my time, that as yet I have acquired but very little local information on the several canals which have been commenced.

Such information, however, is perhaps at present not the most important branch of the subject, particularly as it can be obtained in a few months at a small expence, whenever the public mind shall be impressed with a sense of the vast advantages of a general system of cheap conveyance.

I hope, indeed, that every intelligent American will, in a few years, be fully convinced of the necessity of such works to promote the national wealth, and his individual interest. Such con-

viction must arise from that habit of reflection which accompanies the republican principle, and points out their true interest on subjects of political economy. From such reflections arises their love of agriculture and the useful arts, knowing them to augment the riches and happiness of the nation; hence also their dislike to standing armies and military navies, as being the means of increasing the proportion of non-productive individuals, whose labour is not only lost, but who must be supported out of the produce of the industrious inhabitants, and diminish their enjoyments.

Such right thinking does great honour to our nation, and leads forward to the highest possible state of civilization, by directing the powers of man from useless and destructive occupations, to pursuits which multiply the productions of useful labour and create abundance.

Though such principles actuate our citizens, they are not yet, in every instance, aware of their best interests; nor can it be expected that they should perceive at once the advantages of those plans of improvement which are still new in this country. Hence the most useful works have sometimes been opposed; and we are not without examples of men being elected into the state legislatures for the express purpose of preventing roads, canals, and bridges being constructed. But in such errors of judgment our countrymen have not been singular. When a bill was brought into the British parliament, fifty years ago, to establish turnpike roads throughout the kingdom, the inhabitants for forty miles round London petitioned against

such roads ; their arguments were, that good roads would enable the farmers of the interior country to bring their produce to the London market cheaper than they who lived nearer the city and paid higher rent ; that the market would be overstocked, the prices diminished, and they unable to pay their rent, or obtain a living. The good sense of parliament, however, prevailed ; the roads were made, the population and commerce of London increased, the demand for produce increased, and he who lived nearest to London still had a superior advantage in the market.

In like manner, I hope the good sense of our legislature will prevail over the ignorance and prejudice which may still exist against canals. And here an important question occurs, which it may be proper to examine with some attention in this early stage of our public improvements, whether, as a system, we should prefer canals to turnpike roads ? Our habits are in favour of roads ; and few of us have conceived any better method of opening communications to the various parts of the states. But in China and Holland, canals are more numerous than roads ; in these countries their inhabitants are accustomed to see all their productions carried either on natural or artificial canals, and they would be as much at a loss to know how we, as a civilized people, could do without such means of conveyance, as we are surprised at their perseverance and ingenuity in making them*. England, France, and the principal states of Europe commenced their improvements with roads ; but as

* The royal canal, from Canton to Peking, is 825 miles long, its breadth 50 feet, its depth 9 feet.

the science of the engineer improved, and civilization advanced, canals were introduced, and England and France are now making every exertion to get the whole of their heavy productions waterborne, for they have become sensible of the vast superiority of canals over roads.

Our system perhaps ought to embrace them both : canals for the long carriage of the whole materials of agriculture and manufactures, and roads for travelling and the more numerous communications of the country. With these two modes in contemplation, when public money is to be expended with a view to the greatest good, we should now consider which object is entitled to our first attention. Shall we begin with canals, which will carry the farmer's produce cheap to market and return him merchandize at reduced prices ? Or shall we first make roads to accommodate travellers, and let the produce of our farms, mines, and forests, labour under such heavy expences that they cannot come to market ?

To throw some light on this interesting question, I will base my calculations on the Lancaster turnpike road. There the fair experiment has been made to penetrate from Philadelphia to the interior country, and the mode of calculation here given will serve for drawing comparisons on the utility of roads and canals, for all the great leading communications of America.

From Philadelphia to the Susquehannah at Columbia, is seventy-four miles ; that road, if I am rightly informed, cost, on an average, 6,000 dollars a mile, or 444,000 for the whole. On it, from Columbia to Philadelphia, a barrel

of flour, say 2 cwt., pays one dollar carriage. A broad wheeled waggon carries thirty barrels or three tons, and pays for turnpike three dollars; thus, for each ton carried, the turnpike company receives only one dollar.

I will now suppose a canal to have been cut from Philadelphia to Columbia, and with its windings to make 100 miles, at 15,000 dollars* a mile, or for the whole 1,500,000 dollars. On such canal, *one man, one boy, and horse*, would convey twenty-five tons twenty miles a day†, on which the following would be the expences:

One man,	1 00
One horse,	1 00
One boy,	50
Tolls for repairing the canal,	1 00
Tolls for passing locks, inclined planes, tunnels, and aqueducts,	1 00
Interest on the wear of the boat,	50
Total,	<hr/> \$ 5 00 <hr/>

This is equal to twenty cents a ton for twenty miles, and no more than one dollar a ton for 100 miles, instead of ten dollars paid by the road. Consequently for each ton carried from Columbia to Philadelphia on the canal, the company might take a toll of six dollars in-

* On averaging the canals of America, 15,000 dollars a mile will be abundantly sufficient to construct them in the best manner, particularly if made on the inclined plane principle, with small boats, each carrying six tons.

† One horse will draw, on a canal, from twenty-five to fifty tons, twenty miles in one day. I have stated the least they ever do, and the highest rate of charges, that no deception may enter into these calculations.

stead of one, which is now got by the road; and then the flour would arrive at Philadelphia for seven dollars a ton instead of ten, which it now pays. The merchandize would also arrive at Columbia from Philadelphia for three dollars a ton less than is now paid; which cheap carriage both ways would not only benefit the farmer and merchant, but would draw more commerce on the canal than now moves on the road, and thereby add to the profits of the company.

But to proceed with my calculations, I will suppose that exactly the same number of tons would move on the canal that are now transported by the road. Again, let it be supposed that, at one dollar a ton, the turnpike company gains five per cent. per annum on their capital of 444,000 dollars, or 22,200 dollars, consequently 22,200 tons must be carried, which, at six dollars a ton to the canal company, would have given 133,200 dollars a year, or eight and a half per cent., for their capital of 1,500,000 dollars.

The reason of this vast difference in the expence of carriage by roads or canals, will be obvious to any one who will take the trouble to reflect, that on a road of the best kind, four horses, and sometimes five, are necessary to transport only three tons. On a canal, one horse will draw twenty-five tons, and thus perform the work of forty horses; the saving therefore is in the value of the horses, their feeding, shoeing, geer, waggons, and attendance. These facts should induce companies to consider well their interest, when contemplating an enterprize of this sort, and what would be their profits, not only in interest for their capi-

tal, but the benefit which their lands would receive by the cheap carriage of manure and of their productions.

In considering the profit to accrue to a company from a canal instead of roads, there is another important calculation to be made, and for that purpose I will proceed with the Lancaster turnpike, supposing it to extend to Pittsburg, 320 miles. On which the carriage being at the rate now paid from Columbia to Philadelphia, that is, ten dollars a ton for seventy-four miles, the ton from Pittsburg would amount to forty-two dollars, at which price a barrel of flour would cost four dollars in carriage, an expence which excludes it from the market. Thus, grain, the most important and abundant production of our interior country, and which should give vigour to our manufactures, is shut up in the districts most favourable to its culture; or, to render it portable and convert it into cash, it must be distilled to brutalize and poison society. In like manner, all heavy articles of little monied value can only move within the narrow limits of 100 miles; but were a canal made the whole distance, and by one or more companies, they might arrange the tolls in the following manner, so as to favour the long carriage of heavy articles.

The expence of man, boy, and horse, as before stated, would cost only three dollars to boat one ton of flour 300 miles; this is thirty cents a barrel: suppose, then, that the company receive seventy cents a barrel or seven dollars a ton; flour could then come from Pittsburg to Philadelphia for one dollar a barrel, the sum which is now paid from Columbia: thus the canal

company would gain seven dollars a ton by a trade which could never move through a road of equal length. Here we see that on canals the tolls may be so arranged as to draw to them articles of little monied value, and it would be the interest of the company or companies to make such regulations. But on turnpike roads no such accommodation of charges in proportion to distance can be effected, because of the number of horses, which cannot be dispensed with*. Even were the roads made at the public expence and toll free, still the carriage of one ton for 300 miles would cost at least thirty-five dollars. But were canals made at the public expence, and no other toll demanded than should be sufficient to keep them in repair, a ton in boating and tolls would only cost three dollars for 300 miles; and for thirty-five dollars, the sum which must be paid to carry one ton 300 miles on the best of roads, it could be boated *three thousand five hundred miles*, and draw resources from the centre of this vast continent.

But striking as this comparison is, I will still extend it. The merchandize which can bear the expence of carriage on our present roads to Pittsburg, Kentucky, Tennessee, or any other distance of 300 miles, and which for that distance pays 100 dollars a ton, could be boated on canals *ten thousand miles for that sum*.

* In my work on small canals, published in 1796, page 140, there is a table showing a mode of regulating the boating and tonnage in such manner, that a ton may be transported 1300 miles for five dollars. Yet by this method canal companies would gain more toll than by any other means yet practised.

As these calculations are founded on facts which will not be denied by any one acquainted with the advantages of canals, it is the interest of every man of landed property, and particularly of the farmers of the back countries, that canals should be immediately constructed, and rendered as numerous as the funds of the nation will permit, and the present population requires; and as inhabitants multiply most towards the interior and must extend westward, still moving more distant from the sea coast and the market for their produce, it is good policy and right that canals should follow them. In twenty-five years, our population will amount to fourteen millions, two-thirds of whom will spread over the western countries. Suppose then that 3,500,000 dollars were annually appropriated to canals: such a sum would pay for 300 miles of canal each year, and in twenty years we should have 6000 miles circulating through and penetrating into the interior of the different states; such sums, though seemingly large, and such works, though apparently stupendous, are not more than sufficient to keep pace with the rapid increase of our population, to open a market, and carry to every district such foreign articles as we near the coast enjoy. With this view of the subject, arises a political question of the utmost magnitude to the states, which is,

That as our national debt diminishes, and the treasury increases in surplus revenue, will it not be the best interest of the people to continue the present duties on imports, and expend the products in national improvements?

To illustrate this question, I

will state some examples of the rate of duties and the expence of carriage, to prove that, by keeping on the duties and making canals with the revenue, goods in a great number of instances will be cheaper to the consumer, than by taking off the duties, and leaving the transport to roads.

First Example:

Brown sugar pays in duty,	
two and a half cents a	
pound, or for 100 lb.,	\$ 2 50
It pays for waggoning 300	
miles,	5 00
Total,	<hr/> \$ 7 50 <hr/>

By the canal, it would cost in boating fifteen cents for 300 miles; consequently the boating and duty would amount to \$ 2 65; therefore, by keeping on the duty and making canals, sugar would arrive at the interior, 300 miles, for \$ 2 35 the hundred weight cheaper than if the duties were taken off and the transport left to roads.

Second Example:

One bushel of salt, weigh-	
ing 56lb., paid in duty,	\$ 0 20
To carry it 300 miles by	
roads, the expence is	2 50
Total,	<hr/> \$ 2 70 <hr/>

By the canal it would cost for boating 300 miles, seven and a half cents. By keeping on the duties and making the canals, it would arrive to the interior consumer at \$ 2 32½ the bushel cheaper than were the duties taken off, and the transport left to roads.

Third Example.

Molasses pays five cents a	
gallon duty; this is for	
100 lb.,	\$ 0 75

It pays for waggoning 300
miles, 5 00

Total, \$ 5 75

By the canal the carriage would cost fifteen cents, and it would arrive at the interior at \$ 4 10 the hundred weight, or twenty-seven cents a gallon cheaper than were the duties taken off, and the transport left to roads.

Numerous other articles might be stated, to show that the real mode of rendering them cheap to the interior consumer is to keep on the duties, and facilitate the carriage with the funds so raised. These, however, may be considered as partial benefits, and not sufficiently general to warrant keeping on the duties. But there is a point of view in which I hope it will appear that the advantages are general, and will be felt throughout every part of the states. It is by reducing the expence of all kinds of carriage, and thus economize to each individual more than he now pays in duty on the foreign articles which he consumes.

For example :

Wood, for fuel, is an article of the first necessity ; it cannot bear the expence of transport twenty miles on roads ; at that distance it is shut out from the market, and the price of fuel is consequently raised the amount of the carriage. Were a cord of wood carried twenty miles on roads, it would pay for waggoning at least three dollars ; on a canal it would pay twenty cents : thus, on only one cord of wood, there is an economy of \$ 2 80, which economy would pay the duty on fourteen pounds of tea, at twenty cents the pound duty ;

Or 140 pounds of sugar, at two cents the lb. duty ;

Or fifty-six pounds of coffee, at five cents the lb. duty ;

Or fourteen bushels of salt, at twenty cents the bushel duty ;

Or fifty-six gallons of molasses, at five cents the gallon duty.

I will now suppose a city of 50,000 inhabitants, who for their household and other uses will consume 50,000 cords a year, on which there would be an economy of 140,000 dollars, a sum in all probability equal to the duties paid by the inhabitants. For the duties, divided on the whole of the American people, are but two dollars twenty-eight cents to each individual. Here I have estimated each person to pay two dollars and eighty cents ; yet this estimate is made on one cord of wood to each inhabitant of a city ; were I to calculate the economy on the carriage of building timber, lime, sand, bricks, stone, iron, flour, corn, provisions, and materials of all kinds which enter or go out of a city, it would be five times this sum ; and thus the towns and cities are to be benefited. The farmer, or miller, who lives twenty miles from a market, pays at least twenty-two cents to waggon a barrel of flour that distance ; by the canal it would cost two cents ; the economy would be twenty cents ; at 100 miles the economy would be 100 cents, and at 150 miles it would be 150 cents ; beyond this distance flour cannot come to market by roads ; yet at this distance the economy of 150 cents on the carriage of one barrel of flour would pay the duty on

Seven and a half pounds of tea ;

Or seventy-five pounds of sugar ;

Or thirty pounds of coffee ;
Or seven and a half bushels of
salt ;

Or thirty gallons of molasses.

Thus it is, that the benefits arising from a good system of canals are general and mutual. Therefore, should peace and the reduction of the national debt give an overflowing treasury, I hope you and the majority of Americans will think with me, that the duties should not be taken off nor diminished ; for such an act, instead of relieving the people, would really oppress them, by destroying the means of reducing the expence of transport, and of opening to them a cheap mode of arriving at good markets.

To proceed with these demonstrations, let us look at the rich productions of our interior country :

Wheat, flour, oats, barley, beans, grain, and pulse of all kinds ;

Cyder, apples, and fruits of all kinds ;

Salt, salted beef, pork, and other meats* ;

Hides, tallow, beeswax ;

Cast and forged iron ;

Pot and pearl ashes, tanner's bark ;

Tar, pitch, rosin, and turpentine ;

Hemp, flax, and wool ;

Plaister of paris, so necessary to our agriculture ;

Coals, and potters' earth for our manufactures ;

* Animals are now driven to market 300 or more miles, at a considerable expence and loss of flesh, for two principal reasons : first, the expence of transporting the salt to the interior ; and second, the expence of carrying the salted meats to market.

Marble, lime, and timber for our buildings.

All these articles are of the first necessity, but few of them can bear the expence of five dollars the hundred weight, to be transported 300 miles on roads. Yet on canals they would cost in boating only fifteen cents the hundred weight, for that distance.

There is another great advantage to individuals and the nation, arising from canals, which roads can never give. It is that when a canal runs through a long line of mountainous country, such as the greater part of the interior of America, all the ground below, for half a mile or more, may be watered and converted into meadow and other profitable culture.

How much these conveniences of irrigation will add to the produce of agriculture and the beauties of nature, I leave to experienced farmers and agricultural societies to calculate.

In Italy and Spain, it is the practice to sell water out of the canals, for watering meadows and other lands. In such cases, tubes are put into the canal, under the pressure of a certain head of water, and suffered to run a given time for a fixed price ; the monies thus gained add much to the emoluments of the canal companies.

But with all these immense advantages which canals give, it may be a question with many individuals, whether they can be constructed in great leading lines from our sea coast and navigable rivers, to the frontiers of the several states, or pass our mountains and penetrate to the remote parts of our interior country. Should doubts arise on this part of the plan, I beg leave to assure you,

that there is no difficulty in carrying canals over our highest mountains, and even where nature has denied us water: for water is always to be found in the valleys, and the canal can be constructed to the foot of the mountain, carrying the water to that situation. Should there be no water on the mountain or its sides, there will be wood or coals; either or both of which can be brought cheap to the works by means of the canal. Then with steam engines the upper ponds of canal can be filled from the lower levels, and with the engines the boats can on inclined planes be drawn from the lower to the upper canal. For this mode of operating it is necessary to have small boats of six tons each. As the steam engines are to draw up and let down the boats on inclined planes, no water is drawn from the upper level of the canal, as when locks are used. Consequently, when the upper ponds have been once filled, it is only necessary that the engine should supply leakage and evaporation. There is another mode of supplying the leakage and evaporation of the higher levels: on the tops and sides of mountains there are hollows or ravines which can be banked at the lower extremity, thus forming a reservoir to catch the rain or melted snow. From such reservoirs the ponds of canal can be replenished in the dry months of summer. This mode of reserving water is in practice in England for canals, and in Spain for irrigation. In this manner I will suppose it necessary to pass a mountain 800 feet high; then four inclined planes, each of 200 feet rise, would gain the summit, and four would descend on the other side. Total

eight inclined planes and eight steam engines. Each steam engine, of twelve horse power, would cost about 10,000 dollars, in all 80,000 dollars; each would burn about twelve bushels of coal in twelve hours, or ninety-six bushels for the eight engines for one day's work.

The coals in such situations may be estimated at twelve cents a bushel, or
\$ 11 52

At each engine and inclined plane there must be five men; total, forty men, at one dollar each, 40

\$ 51 52

For this sum they could pass 500 tons in one day over the eight inclined planes, which for each ton is only 10 cents.

Suppose the mountain to be twenty miles wide, boating for each ton would cost 20 do.

Total, 30 cents a ton for passing over the mountain, which will be more or less according to circumstances, these calculations being only intended to remove any doubts which may arise on the practicability of passing our mountains.

Having thus in some degree considered the advantages which canals will produce in point of wealth to individuals and the nation, I will now consider their importance to the union, and their political consequences

First, their effect on raising the value of the public lands, and thereby augmenting the revenue.

In all cases where canals shall pass through the lands of the United States, and open a cheap communication to a good market,

such lands will rise in value for twenty miles on each side of the canal. The farmer who will reside twenty miles from the canal can in one day carry a load of produce to its borders. And were the lands 600 miles from one of our sea port towns, his barrel of flour, in weight 200 pounds, could be carried that distance for sixty cents, the price which is now paid to carry a barrel fifty miles on the Lancaster turnpike. Consequently, as relates to cheapness of carriage, and easy access to market, the new lands, which lie 600 miles from the sea ports, would be of equal value with lands of equal fertility which are fifty miles from the sea ports. But not to insist on their being of so great value until population is as great, it is evident that they must rise in value in a three or four fold degree: every lineal mile of canal would accommodate 25,600 acres. The lands sold by the United States in 1806, averaged about two dollars an acre, and certainly every acre accommodated with a canal would produce six dollars: thus, only twenty miles of canal each year, running through national lands, would raise the value of 512,000 acres at least four dollars an acre, giving 2,048,000 dollars to the treasury, a sum sufficient to make 136 miles of canal. Had an individual such a property, and funds to construct canals to its centre, he certainly would do for his own interest. The nation has the property, and the nation possesses ample funds for such undertakings.

Second, on their effect in cementing the union, and extending the principles of confederated republican government. Numerous have been the speculations on

the duration of our union, and intrigues have been practised to sever the western from the eastern states. The opinion endeavoured to be inculcated was, that the inhabitants beyond the mountains were cut off from the market of the Atlantic states; that consequently they had a separate interest, and should use their resources to open a communication to a market of their own; that, remote from the seat of government, they could not enjoy their portion of advantages arising from the union, and that sooner or later they must separate and govern for themselves.

Others, by drawing their examples from European governments, and the monarchies which have grown out of the feudal habits of nations of warriors, whose minds were bent to the absolute power of the few, and the servile obedience of the many, have conceived these states of too great an extent to continue united under a republican form of government, and that the time is not distant when they will divide into little kingdoms, retrograding from common sense to ignorance, adopting all the follies and barbarities which are every day practised in the kingdoms and petty states of Europe. But those who have reasoned in this way have not reflected that men are the creatures of habit, and that their habits as well as their interests may be so combined, as to make it impossible to separate them, without falling back into a state of barbarism. Although in ancient times some specks of civilization have been effaced by hordes of uncultivated men, yet it is remarkable, that, since the invention of printing and general diffusion of knowledge, no

nation has retrograded in science or improvements; nor is it reasonable to suppose that the Americans, who have as much, if not more information in general, than any other people, will ever abandon an advantage which they have once gained. England, which at one time was seven petty kingdoms, has by long habit been united into one. Scotland by succession became united to England, and is now bound to her by habit, by turnpike roads, canals, and reciprocal interests. In like manner all the counties of England, or departments of France, are bound to each other; and when the United States shall be bound together by canals, by cheap and easy access to market in all directions, by a sense of mutual interests arising from mutual intercourse and mingled commerce, it will be no more possible to split them into independent and separate governments, each lining its frontiers with fortifications and troops, to shackle their own exports and imports to and from the neighbouring states, than it is now possible for the government of England to divide and form again into seven kingdoms.

But it is necessary to bind the states together by the people's interests, one of which is to enable every man to sell the produce of his labour at the best market, and purchase at the cheapest. This accords with the idea of Hume, "that the government of a wise people would be little more than a system of civil police; for the best interest of man is industry and a

free exchange of the produce of his labour for the things which he may require."

On this humane principle, what stronger bounds of union can be invented than those which enable each individual to transport the produce of his industry 1200 miles for sixty cents the hundred weight? Here then is a certain method of securing the union of the states, and of rendering it as lasting as the continent we inhabit.

It is now eleven years that I have had this plan in contemplation for the good of our country. At the conclusion of my work on small canals, there is a letter to Thomas Mifflin, then governor of the state of Pennsylvania, on a system of canals for America. In it I contemplated the time when "*canals should pass through every vale, wind round each hill, and bind the whole country together in the bonds of social intercourse;*" and I am now happy to find that, through the good management of a wise administration, a period has arrived when an overflowing treasury exhibits abundant resources, and points the mind to works of such immense importance.

Hoping speedily to see them become favourite objects with the whole American people, I have the honour to be your most obedient,

ROBERT FULTON.

To Albert Gallatin, Esq., Secretary of the Treasury.

Washington, December 8, 1807.

AMERICAN
REGISTER OF DEATHS.

AMERICAN
REGISTER OF DEATHS

AMERICAN REGISTER OF DEATHS.

DIED, on the 5th April, Bulah Bolton, wife of Joseph Bolton, junior, of Retreat Works, New Jersey, after a long and severe suffering, which she bore with that patience and resignation, consequently resulting from a pious mind, and which alone can look with confidence to a gracious Redeemer for intercession with the Father for past transgressions. It may be truly said, that this confidence decreased not as life continued to verge on that of futurity, but on it rested a hope and prospect of future happiness, enabling her to welcome the messenger of death, cheerfully resigned to be numbered in the silent grave. As a wife and mother she was kind and affectionate; and as a sister the ties of harmony and love appeared to predominate more than is generally witnessed in that relation. Her cheerful and engaging manners cannot soon be eradicated from the memory of those acquainted with her, but will remain as a lasting monument of her vir-

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tues. May these considerations tend to reconcile the affliction to her surviving partner and relatives, and may they find comfort in viewing the growing and similar virtues of her infant daughter, which is left behind for their protection!

In Middletown township, Bucks county, Pennsylvania, in the 90th year of her age, Sarah Cary, relict of the late Samuel Cary. She was a member of the society of friends, and by her life gave evidence that the divine precepts of the gospel were her rule of conduct.

At Harbour Island, Flora Thompson, a black woman, aged 150 years. She was born in Africa in the year 1658, and carried to Jamaica as a slave, soon after that island came into possession of Great Britain; the captain of the slave ship disposed of his cargo there, with the exception of this woman, whom he retained in his service for some years, and then sold her to a gentleman at Nevis,

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where she remained for some years ; after that, she was brought to Nassau, during the time that island was in the possession of the pirates, and sold to Mr. William Thompson ; on his decease she became the property of his son, John Thompson, Esq., with whom she continued until his death, about forty-eight years ago, and then obtained her freedom. She was a trusty and faithful house servant, and, what is particularly remarkable, never had a fit of sickness except that which finally closed her existence. She had a decent funeral, and upwards of 300 persons attended her remains to the grave.

At Martinique, on the 4th of January, in the forty-third year of his age, major Ulrick Rivardi, husband of Mrs Maria Rivardi, of Philadelphia. This gentleman was educated in the military college of Colmar, in France, and entered the Russian service at the age of eighteen. At the taking of Ocza-hoff, in the war between the Turks and Russians, while aide-de-camp to the celebrated general Suwar-row, he received several wounds, and one particularly severe in his breast. In this action he distinguished himself in such a manner, that, although he was obliged, by the injuries to which his bravery had exposed him, to quit so cold a climate, he retired from the army with the rank of captain, and a pension for life ; this he relinquished, and, entering the American service, was appointed by general Washington major in the first regiment of artillerists and engineers : he retained this commission until the army was reduced.

His health having declined of latter years, he was advised to re-

visit the West Indies, where, on a former occasion, he had received much benefit, but, immediately after his arrival at Martinique, he was attacked with an apoplexy, and survived it only a few days.

In his character were united all the amiable traits which distinguish the soldier, the scholar, and the gentleman ; and to gallantry, learning, and accomplishments, were added the endearing virtues of an affectionate heart. He has left three children to the care and exertions of an afflicted widow.

Thomas Y. Humphreys, the second son of Mr. James Humphreys, bookseller, of Philadelphia. He was drowned on the 6th of May, in attempting to cross the Delaware in a boat with three others, about eighty miles below the city, the boat having been upset by a sudden flaw of wind. His loss will be sorrowfully regretted by his relatives, and by all who knew him. Only a few months turned of twenty years, his correct principles, and his industrious and steady habits, had endeared him to them. But,

"Just as the cedar began to tower, and promised ere long to be the pride of the woods, and prince among the neighbouring trees ; behold, the axe is laid unto the root, the fatal blow is struck," and all their pleasing prospects perish with him.

Mrs. Rebecca Bass, relict of the late Dr. Robert Bass, in the sixty-ninth year of her age.

Her departure will long be regretted by the extensive and respectable circle of her friends and acquaintance, to whom she was endeared by the exercise of every amiable and attractive virtue, and by whom she was justly admired, for the courteousness of her man-

ners and the effusions of her well-informed mind. The most conspicuous, however, and estimable part of her excellent character, was her sincere, fervid, and exemplary piety, which supported her through many of the evils incident to humanity, with that dignified fortitude and devout resignation, which christianity alone can inspire, and enabled her to consider the summons of death as an indulgent release from the fetters of clay, and a sure passport to the kingdom of heaven.

She expired after a short illness, in the full possession of her intellectual faculties, and in the very act of recommending her soul to God, in a fervent and pathetic prayer.

At his farm, in the county of Philadelphia, deeply lamented by his relatives and friends, Mr. John Keen, in the 70th year of his age. He was an affectionate husband and father, and a kind and social neighbour. During his long and painful illness, a christian fortitude and pious resignation were strongly evinced. The long train of friends and acquaintances who followed his remains to the grave manifest the esteem in which he was held.

At St. Helena, in the 31st year of his age, George Lewis Gray, formerly editor of the Anti-Democrat of Baltimore. He had sailed from New York on a voyage to Calcutta, but was obliged, from severe and increasing indisposition, to land at the Cape of Good Hope. Finding that there was no probability of his recovery, and anxious to give his last sigh in the bosom of his family, he determined to return to the United States, that he might at least have the melancholy satisfaction of

seeing the faces of his friends once more before his death. He accordingly took his passage home in a vessel bound for Boston; but the fatal mandate had been issued, against which all struggling is vain; and the compassion of his fellow passengers landed him in St. Helena, only to see the last decent rites paid to his remains. He has left a young family, of whom he was the sole support, to buffet unassisted with the calamities of life, and an aged and almost heart broken mother to mourn over the disappointment of all her earthly hopes. Cut off in the prime of life, the world has lost much of usefulness, and society much of ornament. Distinguished for the powers of his mind, and the elegance of his attainments, it was not alone the partiality of friendship which attributed to him the acute discernments of judgment, and the powerful fascinations of genius. By all who had even a slight acquaintance with him, it was admitted that by few was he excelled in the gaiety, the brilliancy, or the instructiveness of conversation, in the touches of humour, or the flashes of wit; that his pen was powerful in controversy; and that the muse which sometimes smiled upon him, spoke to the heart. Alas! he is no more. The pleasing and instructive companion, the warm and faithful friend, the elegant poet, the polite scholar, is gone for ever! Nor did the affections of the heart lag after the accomplishments of the mind. His whole life was spent in the performance of every social duty. The entire object and aim of its early part was to give comfort and independence to an aged parent, by giving up his ease, his

safety, his health, to this darling consideration. To the pursuit of this soul-ennobling purpose he has fallen a victim. It is devoutly trusted that he is now receiving his rich reward in heaven.

And yet not altogether without consolation are those who best knew his worth, and have to survive his loss. Precious to their hearts is the odour of his virtues. He has died without reproach or stain. And she who gave him life can exult in the consciousness that he ennobled the gift.

May those who reverence his virtues, imitate his example. Let the son of genius shed a tear to the memory of a departed brother. Let those who are strong in health, surrounded by prosperity, rich in the endowments of nature, steal a moment from the world and from themselves, and, in the deep musings of solitude, be humbled in the mournful contemplation of the untimely fate of youth, genius, intellect, and probity.

Would that these unavailing lines could carry comfort to the heart of the mourner, and bind up "the broken reed."

On the 24th of February, at Cheltenham, Montgomery county, Pennsylvania, Catherine Gill, aged 101 years. She retained her sight and mental faculties till within a few days of her dissolution, and endured with patience the infirmities and afflictions of her protracted life. Weary of the wickedness and treachery of this mutable world, she looked forward with pleasure to her approaching end. She has seen turnings and overturnings, wars and commotions in the land. She has seen families and kindreds rise and fall. She has eaten the pleasant fruits of prosperity, and

drank the bitter cup of adversity. After all, she has at last sunk into rest. Old age came upon her with all its concomitants, and death closed the scene. She resigned her breath with tranquillity and confidence, believing that there was a place prepared for her in the "blissful mansion of eternal peace and glory, where the wicked cease from troubling and the weary are at rest," where she would put on the beautiful garment of immortality, and join the celestial choir in singing "eternal praises to Him who sitteth on the throne."

At Salem (Mass.), John Rose Dalling, aged twenty-nine, of a lingering consumption, which he bore with becoming fortitude and pious resignation, an enterprising, bold, and skilful navigator, who dared to deviate from the beaten track, and was successful; a persevering, arduous, and indefatigable factor, whose intelligence and experience developed and dissipated the intricacies that embarrass commerce, in the marts of Europe and India; bigotted to no party, a good and useful citizen, a zealous and steady friend of his country. Deprived in early childhood of the fond paternal care and guidance, he was distinguished as the father of the unfortunate, and the orphan's tender friend. To a kind mother he was the most affectionate of sons. Those who had the pleasure of his acquaintance will ever testify to his warm and genuine friendship, ever ready for trial, and the possession of those pleasing manners, that characterize the gentleman. Possessed of acute and strong feelings, his heart was "tremblingly alive" to the finest touches of sensibility, and was frequently wrung with sorrows not its own. He

early evinced a predeliction for navigation and commerce, and soon took an active station in these pursuits, in the course of which he endured sufferings that called forth all his fortitude to support, and all his skill to extricate him from.

Having at length realized what the expecting hopes of youth promised, he fondly anticipated the period when he should enjoy the sweets of domestic felicity, with a partner his choice had selected: but, alas! here death arrested him, and has left his disconsolate friends but the sad reflection of the mutability of all earthly resources.

At his seat on Deer creek, Hartford county, Maryland, Mr. Benjamin Green, sen., aged seventy-nine years.

By the amiableness of his disposition, and the religious performance of every duty, he conciliated the affections and esteem of all who knew him; nor did he, during the course of a long life, give to a numerous offspring one example unworthy of imitation. The serenity with which he resigned his soul to the care of the angel appointed to convey it to the bosom of his Creator, evinced the purity of his conscience, and his firm reliance on the divine mercy. He was, in fine, "the noblest work of God, an honest man." How contemptible appear those heroes who render themselves famous only by the evils they bring upon mankind, when put in competition with such a character!

On the 19th of March, Dr. John Redman, an ancient and eminent physician of Philadelphia.

Dr. John Redman was born in Philadelphia, on the 27th of February, 1722. His parents early

destined him to fill one of the liberal professions, for which purpose he was sent to the Rev. Mr. Tennent's academy, at Neshaminy, in Bucks county, where he acquired a correct knowledge of the Latin and Greek languages, and a general acquaintance with such of the sciences as were then taught in public schools. His companions and schoolmates in this academy were his preceptor's sons, the Rev. Gilbert, William, and Charles Tennent, the Rev. Daniel Lawrence, and the Rev. Dr. Rodgers, of New York, with all of whom, during their lives, he kept up a friendly intercourse. After finishing his academical education, he entered upon the study of physic with Dr. John Kearsely, then one of the most respectable physicians in Philadelphia. He served his master faithfully, and acquired, during the period of his studies, the esteem and confidence of all his patients. After the expiration of his apprenticeship, he went to the island of Bermuda, where he exercised his profession for several years, and acquired so much money as enabled him, with the property he inherited from his father, and a small loan from his relation, judge Allen, to proceed from thence to Europe, for the purpose of completing his studies in medicine. He spent a year in Edinburgh, while the medical school of that city was in the hands of the first Monro, Sinclair, Alston, Plummer, and Rutherford. He likewise passed a year in attending Guy's Hospital*,

* The following is a copy of a certificate of his attendance upon that hospital:

"We think the character of Dr. John Redman so much deserves our

and some time in attending lectures, dissections, and hospitals in Paris. Copies of the lectures of the above professors, and notes of the cases which occurred in the hospitals, while he attended them, are now in the possession of his grandson, Dr. John Redman Coxe, written with singular correctness and perspicuity. He graduated in the university of Leyden, on the 15th of July, in the year 1748, under the celebrated Albinus, Gaubius, and Musschenbroek, and at a time when that seminary retained a large portion of the reputation it had derived from the illustrious name of Dr. Boerhaave. The subject of his inaugural dissertation was "abortion," which he handled with great learning and ingenuity. Few better essays upon that subject are to be met with in any language. The conclusion of this dissertation strongly indicates the piety which distinguished the early part of his life:

"Faxit Deus Ter Opt. Max. ut hæc mea studia et conamina dirigantur in nominis sui gloriam, proximorumque salutem*."

approbation, that it is with pleasure we can say, that after having spent a considerable time in the universities of Edinburgh and Leyden, in which last he had the degree of doctor of physic conferred on him, and made all the improvements necessary to the knowledge of physic, he has with great application attended the practice of this hospital, by which means he has so well qualified himself, that we doubt not his future success will answer to the care and pains he has taken to deserve it.

— Clarke, M. D.
Chars. Feake, M. D.
N. Munckley, M. D.

Guy's Hospital, Feb. 21, 1748-9.

* God grant that my studies and labours may be directed to the glory

After receiving the highest medical honours in his profession, he returned to his native country, and settled in Philadelphia. He soon succeeded in business, and, in the course of a few years, ranked among the oldest physicians in the city, in point of celebrity in medicine. For a while he practised surgery and midwifery; but, finding the labours of those branches of medicine incompatible with the delicacy of his health, he declined them, and confined himself exclusively to the practice of physic.

His principles in medicine were derived from the writings of Dr. Boerhaave, but his practice was formed by the rules of Dr. Sydenham. He early saw that the modes of practice which were recommended by that enlightened physician, in the seventeenth century, in England, were equally proper, in the eighteenth century, in America, from the sameness of the manners of the inhabitants of both countries, in those different periods of time. He saw distinctly the truth of Dr. Sydenham's remarks upon the laws of epidemics, and regulated his practice by them. He considered a greater force of medicine necessary to cure modern American, than modern British diseases, and hence he was a decided friend to depletion in all the violent diseases of our country. He bled freely in the yellow fever of 1762, and threw the weight of his venerable name into the scale of the same remedy in the year 1793. In the diseases of old age, he considered small and frequent bleedings as the first of remedies; and

of his name, and to the welfare of my neighbours.

to them he was indebted for much of the ease he enjoyed in his descent down the hill of life. Towards the close of his life, he read the works of Cullen, Brown, and several other physicians, who had called in question the truth of Dr. Boerhaave's principles in medicine. He admitted their objections, and embraced some of the modern opinions and modes of practice, with the avidity of a young man of five and twenty. He published, about the year 1759, a defence of inoculation, and advised the use of mercury to prepare the body for the reception of the small-pox. He entertained a high opinion of that heroic medicine in all chronic diseases. He gave it in the natural small-pox, with a view of touching the salivary glands about the turn of the pock, a time in which patients often die, from the whole force of the disease falling upon the wind-pipe and lungs. He introduced the use of turbeth mineral as an emetic in the gangrenous sore throat of 1764; and such was its efficacy, that he did not lose a patient who took it in the early stage of that epidemic.

About the fortieth year of his age, he was afflicted with an abscess in his liver, the contents of which were discharged by expectoration through his lungs. He was frequently confined by acute diseases, and suffered much from the rheumatism as he advanced in years. These facts are mentioned to show, that frequent attacks of violent diseases, when treated properly, do not prevent the attainment of extreme old age.

His fellow citizens, and his medical brethren, were not insensible of his merit. He was elected one of the physicians of the Pennsylvania hospital immediately after

its establishment, and afterwards the first president of the college of physicians of Philadelphia. He discharged the duties of these stations faithfully, and reluctantly retired from them, in consequence of the weakness and infirmities of age. He served as a trustee of the colleges of Philadelphia and New Jersey for many years, and more than once refused to stand a candidate for a seat in the legislature of Pennsylvania, before the American revolution.

He was faithful and punctual in his attendance upon his patients. In a sick room he possessed virtues and talents of a specific kind. He suspended pain by his soothing manner, or chased it away by his conversation, which was occasionally facetious and full of anecdotes, or serious and instructing, according to the nature of his patients' diseases, or the state of their minds. A lady, whom he attended in a fatal consumption, said to one of her friends, that "death had nothing terrible in it when Dr. Redman spoke to her about it." The respectability of his character as a physician will derive a lustre from the history of his domestic and religious character.

He married miss Mary Sobers, a lady of uncommon talents and accomplishments of mind and body, soon after he settled in Philadelphia, by whom he had two sons and two daughters. His sons died in their infancy. In the year 1770, his elder daughter married Daniel Coxe, Esq., one of the king's council of New Jersey. This gentleman adhered to the royal party during the American revolution, in consequence of which he went to England, whither he was followed by his wife and children, in the year 1785.

The separation of this daughter was to her father a most poignant affliction. He accompanied her with tears to the vessel that conveyed her from his sight; but his distress was soon alleviated by the suggestions of religion. These he expressed the next day to a friend, whom he informed, that his mind had been composed by reflecting upon the following words of our Saviour: "he that loveth father or mother more than me, is not worthy of me; and he that loveth son or daughter more than me, is not worthy of me."

He was remarkably attached to all the branches of his family, even to those who were distantly related to him, or who were in indigent circumstances. His only brother, Joseph Redman, formerly a merchant in Philadelphia, partook of his affections in an uncommon degree. He died in the autumn of 1779. The doctor sat in the room with his corpse, while the company were assembling to attend his funeral. Just before the lid of his coffin concealed him for ever from his sight, the doctor rose from his seat, and grasping the lifeless hand of his brother, he turned round to his children and other relatives in the room, and addressed them in the following words: I declare, in the presence of God, and of this company, that, in the whole course of our lives, no angry word nor look has ever passed between this dear brother and me." He then kneeled down by the side of his coffin, and, in the most fervent manner, implored the protection and favour of God to his widow and children.

In the early and middle stages of his life, he was not ashamed of the gospel of Christ, and liberally contributed to its support; but the

evening of his life was the meridian of his piety. Being easy in his circumstances, and feeling the labours of his profession incompatible with his health, he early declined business; but it was to engage in business of another kind. He was elected an elder of the second presbyterian church, in the year 1784. The duties of this office gave him both employment and delight. He gave secretly and liberally to the poor, from a principle of charity, and, when confined by sickness, he conveyed his bounty to them by the hands of a friend*. He visited his old patients regularly two or three times a year, and always left behind him some pious remarks, or anecdotes, that were not soon forgotten. His conversation was facetious, animated, free from the querulousness of old age, and always seasoned with the grace of the gospel. In his own house he passed his time chiefly in reading books of devotion, and in other religious exercises. He thought humbly of himself, and often lamented his slender attainments in religion. For some years before his death, he heard and read with difficulty, from the decay of his hearing and eye-sight; but, under the pressure of these evils, he was so far from complaining, that he was constantly finding out reasons why he should be contented and thankful. Such was the natural cheerfulness of his temper, that upon serious subjects he was never grave. He spoke often of death, and of the scenes which

* He gave 250 pounds to the Pennsylvania hospital, and considerable sums to other public institutions; but the principal objects of his charities were widows, orphans, and reduced families.

await the soul after its separation from the body, with the same composure that some men speak of going to bed, or visiting a new and pleasant country. In company, as well as when alone, the scenes of the eternal world were always before him. At a public commencement, held in the university of Pennsylvania, at which general Washington and many of the officers, and members of the general government were present, he seemed to enjoy the exercises of the candidates for degrees; but after they were over, it appeared that his mind was occupied with very different subjects. "I was thinking (said he to a friend the day afterwards), if the secrets of my heart were to be laid open before the great man that sat near me, and the company I was in yesterday at the university, how should I feel! But how much more terrible will it be, should I die in my sins, to have all the secret thoughts of my life exposed to the eye of the Saviour of the world, and made public before the immense company that will be assembled before him at the day of judgment." It remains only to be added under this head, that he was a stranger to bigotry, and that he often worshipped with sects of christians that differed in principle and forms from the one with which he was united.

With all the virtues and piety which have been ascribed to him, it would be unjust to conceal, that he possessed, in the early and middle stages of life, a quick and irritable temper. But the sun never went down upon his anger; and to his pupils and servants he has been known to make acknowledgments for even a hasty expression. The admission of this in-

firmity in the character of Dr. Redman will make it necessary to distinguish between a passionate temper and a bad disposition. The former is a transient emotion, and often exists with candour, sincerity, and benevolence; the latter is a settled principle, and vents itself in cool and protracted acts of malice and revenge.

In the month of December, 1806, his younger daughter died. She had lived with her parents for fifty years, and secluded herself from society, in order to soothe their declining years. Her death left them in a state of the most distressing solitude, and at a time when they were least able to bear it. His elder daughter, who had been separated from him nearly four and twenty years, upon hearing of the death of her sister, immediately tore herself from her husband and children, and crossed the ocean, to alleviate, by her presence, the grief of her bereaved parents. Her arrival exhibited a scene of joy such as seldom occurs in domestic history. The good old man said to a friend, upon this occasion, "that he had formerly owed ten thousand talents to his Maker, but that his debt had increased so much by the arrival of his daughter, that he was determined to become bankrupt, and throw himself entirely upon the mercy of his divine Creditor." The lamp of life, which was nearly extinguished in him and his wife, suddenly blazed forth upon this occasion; but it was only to consume the oil which fed it with the more rapidity. Mrs. Redman died on the 29th of November, two months after the sight of her daughter, in the eighty-fourth year of her age. The distress occasioned by this event was severely felt by her hus-

band. They had passed nearly sixty years together, in the most uninterrupted harmony. She was his best friend and wisest counsellor, in all the trials and difficulties of his life.

His affections now centered themselves wholly in his surviving daughter; but time and nature forbade the long duration of this last portion of his social happiness. On Friday, the 18th of March, he took a walk to his grandson's. In the afternoon, he discovered an unusual degree of sprightliness in his conversation. After drinking tea, he rose to light a candle, in order to go into an adjoining room. In attempting to walk, he staggered, and was led to a chair by his daughter. He squeezed her hand, and gave her a look which indicated his belief, that the time of his departure had arrived. His disease almost immediately assumed all the symptoms of apoplexy, of which he died without pain, and apparently without the least consciousness of his situation, about five o'clock the next day, aged eighty-six years and twenty days. It would seem, from the easy manner in which he expired, that the messenger of death had been instructed to blindfold him, in order to conceal from his view the dreary objects which sometimes surround the passage out of life.

He was buried, at his request, in the presbyterian church-yard, in Arch-street, exactly in the same spot in which his mother had been interred, fifty years before him. This attachment to the dust of our ancestors, though a deep-seated principle in human nature, is seldom felt, except in old age, or in the hour of death. Its extent is universal. Its final cause is no

doubt a wise one, but this is not the place to inquire into it.

To those who may read the account that has been given of this excellent physician and eminent christian, without knowing him, it may not be amiss to add, that he was somewhat below the middle stature; his complexion was dark, his eyes black, and uncommonly animated; and his manner, both in gesture and speech, such as indicated a mind always busy, and teeming with new and original conceptions of human and divine things.

March 27, Mr. William Auner, aged twenty years.

Adorned with the qualities which rendered him exemplary, this youth fell at the threshold of manhood, deeply lamented by a numerous class of relatives and friends. In the virtues of a son he shone conspicuously eminent; as a brother he was tender and affectionate; as a friend ingenuous and sincere. He met the peremptory summons without reluctance, because death had no terrors for him; during a long and painful illness, a christian fortitude and pious resignation strongly evinced the supporting hand of his Creator, and he flew, with well founded confidence, to the tribunal of his supreme Judge, assured of a happy futurity. His worth and integrity are snatched from imitation while in their bloom, and his virtuous career prematurely checked by the cold hand of death; but while sympathy drops a tear of commiseration, and memory looks with pain at the deplorable loss, religion bids his mourning family submit to the distressing dispensation, holds out the cheering consolation that he has been received with

"Well done, thou good and faithful servant, enter into the joys of thy Lord."

On the 29th of March, at Portsmouth, New Hampshire, Jonathan Mitchell Sewall, Esq., counsellor at law, in the sixty-first year of his age.

The subject of this tribute to genius and eloquence was born in Salem, Massachusetts, A. D. 1748. His parents died in the early part of his life; and his excellent uncle, the honourable Stephen Sewall, at that time chief justice of the supreme court of Massachusetts, adopted and patronized the young orphan; and from his invaluable counsels he imbibed that firmness of moral principle, honour, and integrity, for which he was so eminently distinguished; and a love for the belles lettres and elegant literature, which afforded him the most rational, refined, and sublime pleasures. Mr. Sewall was apprenticed to mercantile business, but, some years before his time expired, he was attacked by a fever of the most malignant type, which reduced him so extremely low, that a voyage to a milder clime was recommended by his physicians, as the only means of recovering his health. He accordingly embarked for Spain; but although this salubrious climate produced a favourable effect on his system in general, yet the violence of the fever, and the necessary use of extremely powerful medicines, rendered him the future subject of exquisite nervous affections, and at times a prey to the keenest sufferings, which deprived his friends of the pleasure of his company, and the delight his fascinating and instructive conversation afforded. These discouragements,

however, did not preclude his attention to the study of the law. Soon after his return from abroad, he commenced his legal studies with his kinsman, Jonathan Sewall, Esq., an eminent lawyer in Boston; and finally completed them with the late learned and worthy John Pickering, Esq., of Portsmouth. By him he was introduced to the bar, where for many years, and till his declining health obliged him to retire, he was equally celebrated as a pleader of distinguished merit, and a gentleman of the strictest honour and integrity.

Elevated by ennobling and generous principles above the love of popular applause, he never courted office at the hands of the public; but that venerable body who framed the constitution of the state persuaded him to accept the office of secretary; and he discharged the duties of his station in such a manner as to merit and receive their entire approbation.

In one particular sphere, Mr. Sewall was destined to shine with unrivalled splendour. The humane, the fine sensibilities of his feeling bosom deplored the commission of crimes; while pity and compassion at the same moment impelled him to plead the cause of the criminal. Of all the capital causes he advocated (and they were numerous), he never lost one. Success always attended his generous and ardent efforts; while the compensation that he usually received was the tear of gratitude, when a jury pronounced the poor client "not guilty." The widow, the fatherless, and the stranger also found in his talents a never-failing resource; for without even the hope of reward, he devoted his great abilities to their service.

As a patriot, Mr. Sewall was no less distinguished than as a lawyer. The love of his country was a living principle that glowed within his independent bosom : and while his impassioned eloquence might have roused the sons of America to worthiest deeds, his powers of melody and song have led the gallant soldier on to battle, and returned him from the field of victory triumphant in deathless verse. Attached to the illustrious Washington, from sentiments of veneration, respect, and love, the inhabitants of Portsmouth appointed Mr. Sewall to pronounce the funeral eulogy of the hero, the patriot, and the sage ; and this admirable performance may be ranked among the first classical productions of the day ; while the feeling, the pathos of the mournful orator melted the hoary veteran into tears, and imperaled on the cheek of beauty the dew of sorrow.

But, above all, he that now rests in the silent tomb was a firm believer in the christian religion, and bore honourable testimony in its cause. He delighted to explore the word of God, and his capacious and enlightened mind dwelt with rapture on the wisdom, the power, and the goodness of the Deity. His hopes of salvation firmly rested on the merits of his dear Redeemer. The divine truths of revelation cheered his soul in the season of adversity, and, under the pressure of bodily infirmity, enabled him to look forward, with joyful expectation, to another and a better world. After a long retirement from the busy scenes of life, he was attacked by those afflicting nervous complaints which embittered so many of his days, with more than

wonted violence, and after eighteen months' patient and submissive suffering, he resigned his spirit without a groan or struggle.

May that Being who "tempers the wind to the shorn lamb," mercifully adapt his consolations to the particular situation of each individual of the bereaved and sorrowing family.

Virtues like those of a Sewall will long embalm the memory of departed worth : and while genius without sensibility lives unbeloved, and science without philanthropy dies unregretted, the fatherless, the widow, and the poor, gather round his grave ; and even the prisoner, and the appointed for death, exclaim,

There sleeps our warmest, truest friend.

At Philadelphia, Mary Morris, wife of Anthony Morris, and daughter of James Pemberton, in the thirty-eighth year of her age.

A life devoted to the performance of every christian, conjugal, maternal, and filial duty, was serenely and brightly closed with every joy that gilds the evening of a christian's day, unobscured by the smallest doubt in the promises of her Redeemer's kingdom ; recollection of the past illuminated even the brilliancy of her future prospect ; her part had been performed with fidelity to her Creator, to her father, to her husband, to her children ; (her mother was lost to her in the helpless years of infancy ;) and to these important objects of her reverence, love, and duty, with a small number of endeared relations and friends, she devoted all her attention and affection, all the fruits of a religious education, of a refined and delicate taste, and a correct judgment.

The vanities of the world, its

ceremony, and its insincerity, she avoided, as well in youth as in matured years, with a uniformity and consistency, which were the result of religious principle.

Her affections were neither wasted nor vitiated by an indiscriminate or general intercourse with the world; she moved always in the same orbit, always cheering, illuminating, instructing, and improving the same objects; her benevolence and her charity were more diffused; she was benevolent to all, and none within her ability to relieve ever asked her charity in vain.

Without pride, she moved through life with humility in the sight of her Creator, and with conscious dignity and integrity of mind before men, never condescending to flatter those whose conduct she disapproved, nor affecting nor seeming to love or esteem those who were undeserving of it.

She would not have deviated from sincerity and truth, to gain or please a world. She mingled not with the multitude through life, but extended her views of separation even to her grave, which, at her request, is on the family farm of her paternal ancestors, at Bolton, in Bucks county, where her remains were deposited, attended by those she loved.

In Boston, Mrs. Elizabeth Adams, aged seventy-four, relict of the late governor Samuel Adams. She was a sincere believer in the divine truths of christianity, and possessed the strongest hope in her Redeemer's power of salvation, and his universal benevolence. This eminent and aged lady was the worthy companion of one of the first patriots who promoted our glori-

ous revolution. Her remarkable firmness and resolution undoubtedly, in some degree, contributed to increase that extraordinary power and energy of mind, which he so often displayed under the severest trials of our revolutionary contest. Her mind was highly cultivated and enlightened, and fraught with an uncommon store of information. Her manners were accomplished. Her conversation was engaging; and her religion and virtue were "pure and undefiled before God and man." Thus has passed from this world to the inheritance of a better, a woman possessed of every good and virtuous qualification.

On the 1st of April, of a short but painful illness, Mr. Samuel Shaw Sterling, in the thirty-fourth year of his age. His remains were conveyed to Burlington, the place of his nativity; where, on the third instant, they were deposited, attended by a large concourse of the citizens of that place and its vicinity, with a number of of his friends from Philadelphia.

March 15th, at his seat in Pendleton district, South Carolina, the Rev. John Simpson, in the sixty-eighth year of his age. He was one of those sons of science who received their first literary honours at Princeton college, under the presidency of the late Dr. Findley, in 1765. Immediately afterwards he studied divinity, and became minister of the gospel in the presbyterian church. In this public character he laboured more than forty years. Few men of any denomination or description have maintained a walk so uniform, and a reputation so unspotted, for such a length of time, as the late Mr. Simpson. In his person he was dignified and vene-

nable; in his temper, mild and unassuming. His easiness of access particularly endeared him to his younger brethren in the ministry, as well as to the numerous circle of his connexions and acquaintance. His affections were warm, his attachments permanent. His piety was constant and lively; and while he exhibited in his conduct an aimable example of the graces and virtues of that religion, of which he was a minister, he enjoyed, in a high degree, the cheering hopes which a belief of the gospel inspires. He was remarkable for the simplicity of his manners, and for that genuine humility which is the attendant and brightest ornament of real greatness. He was not ashamed to acknowledge his convictions of the truth, and, while he put a candid construction on the motives of those who differed from him in sentiment, he maintained his own principle with manly firmness. As a minister of religion, he steadily supported the great doctrines contained in the scriptures. In his public and private character, he was uncommonly active and industrious. "Action is the rest of the soul," might have been his maxim. After such a life, his exit might be naturally expected to be tranquil and placid: he appeared to behold the approach of death with truly christian resignation, and to act well his part in the last scene. In his long and painful illness, his patience and equanimity were remarkable; till, at length, after waiting his Heavenly Father's time, and looking with confidence and faith to his blessed Saviour, he gently fell asleep in Jesus, "and mortally was swallowed up of life."

He has left an aged consort in a

state of widowhood, with a respectable family and two bereaved congregations, to feel and mourn their loss.

"Mark the perfect man, and behold the righteous man; for the end of that man is peace."

On the 3d of April, at North Guilford, Connecticut, in the 70th year of his age, and 42d of his ministry, the Rev. Thomas Wells Bray. A sermon was preached at his funeral by the Rev. Mr. Elliot, of East Guilford, from 2 Peter, i, 15.

In Mr. Bray his flock and the churches have lost a minister, who possessed the spirit of love and a sound mind. Averse to thorny controversy, he approved himself to God and man by manifestation of the truth. Uniting the wisdom of the prudent with diligence in the various duties of the pastoral office, he enjoyed the uninterrupted esteem and harmony of his flock; and ceased not to exhort, comfort, and charge every one of them, as a father doth his children. The subject matter and manner of his address were, My brethren, dearly beloved and longed for, my joy and crown, so stand fast in the Lord, my dearly beloved.

Blessed is that steward over the household of God, whom the Lord when he cometh shall find so doing.

At North Branford, Connecticut, on the 23d, in the sixty-fourth year of his age, and fortieth of his ministry, the Rev. Samuel Eels, pastor of the church in that society. The funeral solemnities were attended on the 25th. The Rev. Mr. Noyes, of Northford, preached a well adapted sermon on the occasion, from Acts xx, 37, 38.

Mr. Eels' ministry had no intermission for more than thirty years from its commencement;

embracing the peculiar doctrines connected with redemption by Emmanuel, he reinkulcated them with all wisdom, keeping in mind their practical influence. Discerning time and judgment, he spake a word in season. Firmness to his principles, integrity, and candour were happily united. The benevolent and social affections, hospitality, and sympathy with the afflicted were conspicuous parts of his character. His early studies having been directed to the medical profession, he was very useful to his flock as a physician, receiving no other recompence than their thanks, and the pleasure of relieving and comforting the distressed. Ill health, in some of the last years of his life, occasioned temporary suspensions of his public labours, and, for more than a year before his death, wholly incapacitated him for the service of the sanctuary.

We have this treasure in earthen vessels, that the excellency of the power may be of God, and not of us.

In the society of North Branford, on the 28th, Beverly Monroe, Esq., in the thirty-sixth year of his age. He received a mortal wound the preceding day, in assisting at the removal of a barn, and expired in about twenty hours. He has left a widow and three children. His premature death is deeply lamented by all his acquaintance. He was one of the most useful characters in that society, employed in various public offices, esteemed for his amenity of manners and unblemished morals, and for his probity as a merchant.

"Boast not thyself of to-morrow; for thou knowest not what a day may bring forth. Man

knoweth not his time: as the fishes that are taken in an evil net, and as the birds that are caught in the snare; so are the sons of men snared in an evil time, when it falleth suddenly upon them."

At Boston, April the 10th, the Rev. Samuel West, D. D., aged sixty-nine years.

Such was the high estimation in which this most amiable man and excellent minister was held by the community, that a long or laboured panegyric, were it at this time practicable, would be wholly superfluous. At Martha's Vineyard, the place of his nativity; at Cambridge, where he had his education, and received academic honours in 1761; in the several places of his residence, between his leaving college and settlement at Needham, in 1764; in that place, and the surrounding country, he left that "good name which is better than rubies;" and his "memory will be justly blessed." In Boston, where he spent the last nineteen years, but one sentiment is felt, but one opinion entertained respecting his professional and personal worth. In his neighbourhood he was most peculiarly regarded and beloved; in his parish, he was all which his parishioners could desire; in his family, he was a most precious companion and counsellor. Few men die more extensively valued, probably no pastor was ever more tenderly endeared to his flock. Such was the interest he manifested in all their concerns, such his peculiar attentions to them in all circumstances, that in the hearts of young and old he holds the place of a father and a friend.

His literary reputation can be but transiently noticed in this brief and rapid sketch. Several

occasional discourses, and many moral and religious essays, from his pen, are before the public. While they evince a strength of reasoning, and accuracy of discrimination, which ensures them a value with the learned, they possess that winning charm of the pathetic and persuasive, which makes them a manual of inestimable value to his friends, and an auxiliary of much importance to general improvement.

For several years past his health has been much impaired; and, for many months, he has been wholly confined to his chamber and couch. He has been exercised with much pain, and at times with severe distress, during this long season of lingering, and through all has evinced the unwavering faith and unfailing hopes of a genuine servant of Jesus Christ. Those who have seen and heard him in his sickness, can never forget how like a saint he looked, how like a sage he spoke. And though the radiant composure of benevolence and piety, which beamed from his countenance, is dimmed, though the mild accents of resignation and truth, which flowed from his tongue, are silenced by death, they have for their consolation that he now enjoys a happier society, and aids their purer devotions. While every acquaintance feelingly exclaims, "I am distressed for thee, my brother; very precious hast thou been unto me," let this also be their purpose and their prayer: "Let me live the life of the righteous, that my last end may be peace like his."

At Philadelphia, Samuel Mickle Fox, Esq., president of the bank of Pennsylvania. Mr. Fox was, at the time of his death, in

the 45th year of his age; a neglected cold produced a peripneumony, which, after a confinement of two weeks, appeared to have considerably abated, but the pleasing prospect of his speedy recovery was alarmingly interrupted, and his disease and sufferings rapidly increased until he expired. The pains of his disease and the hopes of his recovery were nearly annihilated together. Throughout this melancholy and painful scene, his patience and fortitude, his unclouded intellect and mild resignation, never forsook him; and the bed of death afforded a new tablet, on which could be traced his various and exalted virtues.

Mr. Fox had derived great advantages from a liberal education, and from foreign travel: on his return to his native country, he married an amiable lady of a very respectable family, who, with a numerous and promising offspring, afforded him a large share of domestic felicity.

In public stations, as a member of the corporation, and as president of the bank of Pennsylvania, his talents, industry, and integrity have long been known; as a trustee of the university of Pennsylvania, and director of the Philadelphia library, his attention to the interests of literature rendered him extremely useful.

His own literary acquirements were respectable: he was fond of the fine arts, and possessed great taste and judgment on various subjects, particularly in architecture.

But his virtues rose superior to his talents: truth, honour, charity, benevolence, and the just application of all these to various relations of life, made him inestimable as a citizen and as a friend, as a son and as a brother, as a

husband and as a father; and have rendered his character a bright example for imitation, and his loss a lasting subject of affectionate regret.

At Reading (Massachusetts), on the 28th of June, Mr. Adam Flint, aged forty-three, and Mr. Nehemiah Hart, aged twenty-two, the former of Reading, and the latter of Boston. The young man, a relation of Mr. Flint, was on a visit at his house, who, at the request of his kinsman, accompanied him to a pond in the vicinity, called Martin's pond, for the purpose of amusing themselves with fishing. They mentioned their intention to return before night; but the family of Mr. Flint, supposing, by their not returning, that they might naturally enough be induced to prolong their amusement till evening, were not alarmed till after it began to grow late, when it was too dark to make search for them. At the dawn of day, they called up their neighbours, who went immediately to the pond, where they found their horses tied, and a boat turned bottom upwards, about twelve or fourteen rods from the shore. Search was immediately and diligently made for the bodies, which in a few hours were found; that of Mr. Hart near the boat, and that of Mr. Flint at some distance from the boat, toward the shore. The latter, being a good swimmer, it is supposed attempted to assist his companion (who, it is thought, from a bruise on his head, was stunned by coming up against the boat); being probably much exhausted before he thought of saving himself, was entangled in the water lillies in his way to the shore, where he sunk and perished

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At New York, Mrs. Harriet Rodman, wife of Mr. John Rodman, merchant.

This lady was the daughter of Mr. John Fenno, late proprietor of the United States' Gazette. Upon his decease, the family removed to New York, where, within the brief period of six years, two sons and two daughters have fallen victims to pulmonary complaints.

We should not satisfy the mournful claims of surviving friendship, if we permitted the grave to enclose the remains of this lovely woman, without recording some testimonial of her virtues. It must be left to the social circle, of which she was the charm and the pride, to dwell upon the recollections of that genius which delighted, of those acquirements which instructed, of that grace of manner and of form which attracted, and of that sweetness of disposition which endeared her to them. They will speak of her while memory "holds her seat" within them, for no virtue, nor talent, nor

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At New York, Mrs. Harriet Rodman, wife of Mr. John Rodman, merchant.

This lady was the daughter of Mr. John Fenno, late proprietor of the United States' Gazette. Upon his decease, the family removed to New York, where, within the brief period of six years, two sons and two daughters have fallen victims to pulmonary complaints.

We should not satisfy the mournful claims of surviving friendship, if we permitted the grave to enclose the remains of this lovely woman, without recording some testimonial of her virtues. It must be left to the social circle, of which she was the charm and the pride, to dwell upon the recollections of that genius which delighted, of those acquirements which instructed, of that grace of manner and of form which attracted, and of that sweetness of disposition which endeared her to them. They will speak of her while memory "holds her seat" within them, for no virtue, nor talent, nor

grace, will be presented to them without associating the remembrance of her, in whom every virtue, and talent, and grace, were found; he who now makes this brief record, speaks of her as she was, with a sincerity of heart which will atone for the feebleness of his pen.

The education of Mrs. Rodman was superintended by the fondest of parents, who never found their labours unprofitably wasted; they found in her a heart grateful for their cares, and an understanding which knew how to appreciate them; and when she entered into life, the fruits of their attention appeared. As a daughter and as a sister, she was all their affection could wish, and the lavish eulogiums of her friends were the sweet and certain evidence of her worth. Her parents, however, were taken from her at an early age, and she was left with the surviving children to struggle "in a rude world," without other aid than the kindness of zealous and affectionate friends. Of these, however, she was not destitute; for who that knew her was not her friend?

Her virtues appeared in their brightest lustre when she became a wife; she was formed to ornament and to delight the circles of fashion; but the embarrassments of a fond husband pointed out another sphere; she left the gay world without reluctance or regret, to shine at home; her fire-side was the scene of cheerfulness, and the chosen few who sought it loved to speak of the value of a woman, whose first care was to reward the affection of a husband, but who yet made, without effort, her parlour the delightful resort of her friends. In that parlour no tedious hour was known, and no one

left it without a wish to return. They did not seek in it the fleeting splendours and oppressive ceremonies of fashionable life; but they sought, what was ever there, the innocent gaiety, the polished manners, the attractive conversation, and the sweet disposition of its interesting mistress.

As a reward for the cares and pains of life, it has pleased Heaven to compensate man by the society of that sex, without whom life would be indeed a desert; and among those who have conferred honour on their sex, by their accomplishments and their virtues, many may have appeared to equal, none to excel this charming woman.

At Philadelphia, June 20th, Archibald Bartram, printer. This amiable young man possessed a share of understanding that rarely falls to the lot of an individual. To a brilliant imagination and inventive fancy, were added acuteness of perception and soundness of judgment. With these qualifications, he became a favourite of the muses, and the sweet sound of his lyre still vibrates on the ear of many of his private friends. As a companion he was eminently qualified to please; his comprehensive mind was stored with knowledge; yet such was his modesty and delicacy, that he never oppressed his auditor with a sense of his own superiority; affable and unassuming, he gained the esteem and affection of a large circle of friends, who, when time shall have softened the anguish of separation, will long remember, with pensive pleasure, the various excellence that adorned his character. His piety, though unostentatious, was sincere: under its influ-

once he was enabled to sustain, with fortitude, some of the severest afflictions, and was favoured with consolation in the hour of death.

Near Staunton, Virginia, Mr. James Hill, in the 87th year of his age. We feel ourselves inadequate to do that justice to his character which his many good qualities, resulting from a well spent life, has a right to demand of us. A soldier in the old Indian wars; a soldier in Byrd's campaign; a soldier in Braddock's defeat; and a soldier through the whole of that revolutionary contest which secured to America her independence, deserves those meeds of honour which kings and princes have a right to claim; but Mr. Hill was not possessed of a great earthly treasure at the time of his decease; he had once known better times; but he was ever hospitable, humane, and liberal. He was upright in his deportment, and his honesty was proverbial. But he is gone! gone, we trust, where the enemy cease from troubling, and the virtuous soldier is at rest.

At Stockbridge, Massachusetts, widow Rose Curtis, in the ninety-fifth year of her age. Her funeral was attended by a large concourse of people, to whom a very solemn and appropriate discourse was delivered, by the reverend Alvan Hyde, of Lee. Mrs. Curtis was the oldest person in this town. Her descendants are very numerous, amounting to about 160. She had many years been a member of Christ's visible church on earth, and, from her very exemplary and pious life and conversation, we trust that she is now a member of the church triumphant in

heaven. Her memory will long be cherished by her children and relations, and by all who have had the pleasure of her acquaintance.

In Cornwall, Vermont, Mrs. Rebecca Clark, aged 106 years.

At his plantation, on Horse Creek, in Scriven county, Georgia, Mr. Michayl Dougherty, aged 135 years, and one of the first settlers of that state. The day before he died, he walked two miles; the day on which he died, he eat a hearty dinner, smoked his pipe, and, in two hours after, expired, which was on the 29th of May, 1808.

At Philadelphia, after an illness of about twenty-four hours, John Webb, a minister of the gospel, in high estimation among the society of friends, belonging to the meeting of the northern district in that city.

When a man so well known, and so universally beloved, is translated from this vale of tears, eulogium seems almost superfluous; for, in the minds of his numerous friends, his memory is too strongly impressed to be easily effaced; and their united testimony of his merit forms a stronger and more durable panegyric, than the most artful combination of studied expressions can bestow.

It is but just, however, to say of the deceased, that he was a shining light in the church of Christ, and that his ministry was sound and edifying, attended with a comfortable evidence of his call to that work; the leading features of his character were meekness and simplicity, accompanied with the warmest feelings of benevolence and affection to his fellow-creatures, and, in all his temporal concerns, with the most scrupu-

lous and rigid principles of justice. Although his death was sudden, he was not taken by surprise, for it was his care always to have "his lamp trimmed and

burning, ready to enter into the bridegroom's chamber."

"Mark the perfect and the upright man, for the end of that man is peace."

POETRY.

POETRY

POETRY.

ORIGINAL.

DEVOTION. AN EPISTLE.

To Calista.

THEE, my Acasto, with her rarest gifts
Has Fortune crown'd; to thee the bliss belongs
Which only Wisdom, of celestial birth,
Brings in her train; Wisdom, the daughter fair
Of God, all-wise and good, his eldest born,
Native of highest heaven, sojourner here
On earth with thee; for thee Devotion mild
Hath nightly visited, the noisy world
Aloof or slumbering, Heaven's all-seeing eye
Only awake; thy secret chamber she
Is used to visit oft; to raise thy hopes
And raptures to a pure seraphic height.

The Muse, whom hymns devout and heavenly strains,
Meet for inspired lips and hallow'd ears,
Only delights; she whose resounding song
The world primeval heard, and those who dwelt
In bright abodes, ere the primeval world
Arose from chaos; her benign regards
On thee hath shed, and upward led thy steps
To brighter worlds, where to thy eyes is given
Freedom to range abroad, and amplitude
The wide survey to comprehend, and send
Their steadfast glance to bounds where nature stands
Check'd by the dreary void, or mount to heights
Above all height, and inaccessible
By all of earthly kin, to all but thee,
And those of lot as happy, whom the voice
Divine, the herald of supernal grace,
Hath called; to whom the spirit devout and pure

Imparts her fiery energies, and gives
 Infernal foes to vanquish, and to drag
 In triumph at their chariot wheels, and raise
 Illustrious trophies, sacred to the fame
 Earn'd in hard conflict with the host of ills
 That throng this mortal scene.
 O thou! what name
 Befits thee best? for not thy name is known,
 Thy heavenly name; there are, indeed, who know
 Thy sacred footsteps, and (the mild behests
 Oft by supernal grace consigned to thee)
 Have witness'd thy approach at solemn hours.
 Friend of devotion! dictatress of praise!
 Mistress of heavenly minstrelsy! that rul'st
 The choral symphony, when angels join,
 On Heaven's high altars, their unclouded flame
 To kindle, whence harmonious incense rolls,
 Be just! thy hand be lavish still to pour
 Thy bounties on Acasto; but to one
 Confine not thy beneficence, but shed
 On me thy inspiration; deign to hear
 Another suppliant; nor turn away
 Indignant, should he urge an equal claim
 To gifts from thee, thy succour, when he lifts
 In solitude his tuneful prayer.

The youths

Whom sympathy of souls, consenting wills
 Unite; alike by fortune scorn'd; to fame
 Alike unknown; whom some prevailing power
 Hath guided to the self-same path, and doom'd
 Their cups to overflow with kindred ills;
 Youths whom an equal fate condemns to waste
 In dull obscurity their joyless days;
 Victims of dark oblivion ere the prime
 Of life ascend, ere the refulgent morn,
 That rose so fair, yield to expecting noon
 Her sway, noon that, alas! shall ne'er arrive.
 Yet not to them their ruling fate denies,
 Blest antidote of ill, the cure of all,
 The solace, dearer to their hearts, than all
 The splendour of renown, the pomp of power,
 Or wealth drawn from o'erflowing mines, the boast
 Of Cochin or Peru; their humble fate
 Not hopeless, while a smiling ray serene
 Illumes their dubious steps and paths obscure;
 While Friendship, from her native seats descending,
 Of holy rest, this lower scene for them
 Her transient dwelling deigns to make: to those
 Whom common griefs betide, one star malign,
 O let thy precious gifts be common too!

Thine are melodious breathings ; thou canst call
 Sounds of ineffable import, seraphic airs,
 From harps, else mute, harps, unattun'd, unstrung,
 And voiceless if unvisited by thee.

— Or if the harp be wanting, thou canst call
 From energies unwarbled, strings untouch'd,
 And viewless, nigh though far, though loud unheard,
 A music fairer than the fairest child
 Of voice and hand ; than vocal extacies
 More sweet, majestic more, and worthiest thee,
 And thy impassioned votarist, who stands,
 In sacred silence wrapt, adoring still.

For twangling wires, loquacious, thrill the ear,
 And shed a sweet intoxication round ;
 But thou and thy unwarbled raptures, cloth'd
 In sanctity of silence, sweep along
 On plumes of darkness o'er the untroubled waves
 Of midnight air ; thou lift'st to heights denied
 To earth-born minstrelsy, in her best mood,
 At her best hour, obsequious Night attending,
 Adorn'd with all her stars, or with the moon
 In peerless majesty, or star of Eve,
 The bridal lamp, in modest pomp arrayed ;
 While, with the vocal lapse of streams, that chide
 The busy resonance of sandy shores,
 The solemn grove her stilly murmurs mingles,
 And pipes, and strings, and voices sweet unite
 To form the spell ; but she of earthly mould
 And mortal mother is, earth-born, earth-doom'd ;
 But thou, enshrin'd in starry tabernacle,
 Of heavenly origin, the darling art
 Of dread eternity ! what wonder then

“ Thy notes the soul, her's only charm the ear ? ”

Thou standest at the door of Bliss, and guard'st
 The holy vestibule from all profane
 Intrusion : me, no wayward thought conducts,
 Of pride and vain imagination bred ;
 No curious eye, that in its boundless range
 Must needs look in and see what strange or new
 Religion's house contains ; and whether those
 Of elder times speak true, who hither call
 Each way-farer, and urge his tardy step
 By hanging in his view the token high
 Of hospitable invitation fair,
 With golden characters inscrib'd, that all
 May read who list. “ Lo ! the abode
 “ Of Happiness ; whoe'er is wise will knock ;
 “ The porter ready stands to open ; all
 “ Who ask will find.”

There is, who joys to find,

What, e'er he look'd, he was resolv'd to find,
 The hope that leads to heaven, a flitting dream,
 A meteor of the intellectual night;
 A wild phantasm, child of a feverish brain,
 Nursling of Ignorance, the gilded toy
 Of doting Age, Age faltering and aghast,
 That eyes the oblivious night, which lours at hand,
 As children, fancy-struck, look on the void
 Of cheerless dark, with thousand spectres throng'd.
 Full freighted with discoveries, back he hies;
 Of monkish dreams talks loud, and priestly craft;
 Of miracles which none believ'd who saw;
 Of mystic prophecies, a knotted maze,
 Inextricate, obscure, inscrutable,
 That must be first fulfilled, ere understood;
 Of Fate, that made a world, and Fate that rules.
 Not madly thus, and impiously, do I
 Beyond the sphere of sense extend my view.
 Without thee, mild Devotion, what on earth
 Can give me aught but momentary ease?
 The studious path have I not tried, and found
 Joys bright, indeed, in prospect, but, alas!
 Tasteless or bitter found, when to my lips
 I fondly lifted the enchanted cup?
 In Fancy's fairy land, my steps have long
 Been wont to stray, where Schuylkill pours her tide
 'Twixt unaspiring banks, low-brow'd, and rich
 In naught but waving rushes, sight deform'd
 And indelectable; o'er downs that stretch
 On either hand, for many a weary mile,
 By many an ox and many a ranging steed
 Depastur'd, scenes that sober thought abhors;
 Scenes unakin to beauty, health estrang'd,
 But deck'd with orient charms, when Fancy wav'd
 Her wand, and rent the veil which hides
 Her soft retreats from vulgar gaze, and op'd,
 In genial hues array'd, a prospect wide,
 And scenes dear only to poetic eyes.
 Not unattempted too th' historic page,
 Fraught with the spoils of hoary Time, and with
 Th' accumulated lore of ages fraught.
 Oft have I ranged the spacious round, and long,
 In wonder wrapt, have listen'd to the tale
 Of other times; of kings and heroes fam'd
 For virtue, warlike or pacific; great
 In fighting fields, or bickering senates, arm'd
 In panoply of eloquence or steel;
 The checker'd narrative of life and death
 Political; the pedigree of states,
 Trac'd high, and branching out a thousand fold;

Of cradled Greece, and Rome's infantile years ;
 Or when, the noon of life attain'd, she look'd
 Proudly from her hill-top, and upward threw,
 Exulting loud, her all-subduing arms ;
 Or rushing down the deep descent, when Time
 The signal gave, th' abyss of death at last
 Receiv'd her and her cumbrous train, a world.

Plain Nature, in her flowr'y paths, has long
 Detain'd me, lost in her enchanting maze
 Awhile ; anon, delighted more to trace
 The footsteps of Linnean guide, and out
 Of such sweet prison wind me, by the clue,
 Spun by Upsalian hands, conducted safe
 Through pleasant paths : and long has been the march
 And weary, through the thorny tracts that lead
 To *nothing* in the metaphysic wilderness.

To trace the secrets of mysterious mind ;
 To tame the offspring, frolicsome and wild,
 Of Fancy, in unwonted fetters bound,
 And captive to the analytic power,
 And fleeting Memory's capricious train ;
 Or thoughts, of dubious stock, and stubborn kind
 (Link'd and unlink'd at random, starting now
 A thousand leagues awry ; eluding long
 The yoke ; which to impose my task enjoined ;)
 To teach to range, in firm phalanx, and form
 The mystic dance spontaneous, and to move
 Their files in beauteous order, quick to spy
 Error, their lurking foe, or ardent wield,
 In war with Sophistry, indignant arms ;
 To beat, with indefatigable heels,
 Th' highway which Reason's oracle directs
 The traveller to tread, who meditates
 A journey from his own to other worlds,
 Has oft been mine ; nor have I fail'd to march
 Newtonian banners under, war to wage
 With Prejudice, intrench'd behind the mound,
 Of old Opinion, arm'd
 With subtilties, whose force is known to all
 And which a thousand victories attest.

At length, grown weary of the task, I left
 Old Mathesis, his problems, and his scales,
 To those who list, and sped to scenes of gay
 And wild exuberance, where Fancy sports
 At freedom, doating on the specious worlds
 That (mimicking Omnipotence) she builds,
 Strengthens, embellishes, admires ; anon,
 Diverted by a newer freak, o'erturns
 With headlong haste what she with equal haste
 Had built ; prone to abolish as create.

'Twas then I linger'd in the bright retreats
Where forms august or beautiful advance,
Called by the pencil's magic from the bounds
Remote of an ideal universe.

Oft in poetic I stray'd, and pluck'd,
With wanton hand, wreathes that disdain'd a date
Less than immortal; wreathes, by Phrenzy deem'd
(What less than Phrenzy could?) reserv'd for me.
Such is the fond delusive dream that haunts
The dream of youthful poet, far too prone
To banquet on futurity, and gild
His twilight with the splendour of renown,
And slow the glittering honours to resign,
Though snatch'd to decorate more worthy brows,
For his unfit.

Oft has Achaia's tower'd pride
And Roman grandeurs fill'd my eager eye.
The dome* that, rear'd aloft, repos'd in air
Sublime as Heaven's high arch, in tranquil state,
Majestic as a slumbering deity ;
Or, springing upward†, seemed averse to yield
Obedience to the power that check'd his flight
Audacious, and confin'd his foot to earth.

How while I gaz'd aloft has wonder crept,
Slowly at first, with stealthy pace, along
My bosom, till, anon, the rapture rose
To dizzy heights: the eye too narrow seem'd
To grasp the vast design, the brain too small
To harbour the gigantic thought, that grows
At every glance; till, starting from my dream
Of ecstasy, the beatific dream,
Child of Vitruvian, and Paladian art,
The boast of ancient days, I hie me straight
To classic fields‡, where many a nodding tower
And crumbling arch remain to tell the tale
Of empires, time-engulph'd, and grandeurs fall'n,
The prey of barbarous rage, remain to charm
Th' enthusiastic eye. To Tedmor's wild
I bend my way, to ponder, where the hills
Hide in their mighty bosoms forms of old
Creation; such as giant arms have built;
Or, as the rover of the desert dreams,
The work of more than mortal hands; of sage
Enchanters, destin'd to survive the wreck
Of nations, and to stand while nature stands;
Proof against every shock but that which sounds
The signal of the general doom, the shock
That into primitive confusion hurls

* Pantheon. † St. Peter's dome. ‡ Balbeck.

This beauteous world. Here strayed I, while my soul
 Revolv'd the mutable and transient state
 Of things made up of mortal elements.

The witcheries of music too, have oft,
 Too oft, in chains of sweet enchantment led
 My captive soul, too wise to spurn the yoke,
 But with such thralldom pleas'd, while, far aloof,
 The thoughts that brooded o'er disastrous scenes
 Obeyed the melting voice and fled away;
 Or ghastly Reminiscence ceas'd to haunt
 My footsteps, sure to shun the forthright path.

But what avails it now to court the vain
 Expedients, once indeed of force to lead
 My thoughts astray from anguish, potent once
 To charm the weariness of pilgrim steps?
 But now the spell has lost its power; no more
 Fancy breeds wings to reach celestial heights.
 Supernal spirit, thou must show the way;
 Withheld be not thy succour, else shall Hope
 Desert me; she already shakes her plumes,
 Prepared for flight. Dark, desolate, and void,
 And dreary is the temple of my soul:
 O, let a beam from thee, Almighty! sole
 Dispenser of the good I crave! descend,
 This void replenish, and dispel this dark.

Fair friend, for friend to every good thou art
 And blameless plan; thou, where thy Maker leads
 Wilt follow swift; thy guide is he who loves
 Each sign of meek repentance, and whose ear,
 Propitious to the good, is bent to catch
 Th' aspirings of a soul devoutly raised;
 The voice of trembling hope to heaven, and Him
 That there inhabits, highest, holiest, best,
 That God, whom, in all else, the pattern pure
 Thou deemest, and high example, safest guide
 Of erring man (beacon, whose sacred lamp
 Darts through this drear expanse of stormy waves
 A ray serene, propitious to detect
 Encircling perils, and disclose the sands
 Insidious, and the hostile shore, and rocks,
 Whose thundering echoes menace high, and send,
 Aided by ruffian blasts, defiance far);
 Thou to the good will prove, like *Him*, a friend:
 If but a spark appear to glimmer there,
 Where, ere the spark was kindled, single night
 Prevail'd, and thou canst foster it, and raise
 A flame that points to heaven, thy aid will not
 Be wanting; O! to me impart that aid!

If gentle intercourse, benign regards,
 The interchange of words that know no guile;

Such words as Friendship in her glowing mood
 Will furnish to the lips and eyes of those
 That own her righteous sway ; if these avail
 To lift the eye to virtue, and dislodge
 Ill thoughts from their strong holds, where long they held
 The sceptre, and maintain'd disast'rous sway,
 And kept their gloomy court, wilt thou withhold
 The succour sought? for know'st thou not the force
 Contagious of a fair example, set
 By Virtue femininely cloth'd, and deck'd
 With charms that hover only round the shrine
 Of lovely woman, loveliest, when, amidst
 Her radiant sphere, by mystic notes and high
 Led on, the muses and the graces meet,
 To mingle energies and mingle charms ;
 When in her train are seen, in heavenly guise,
 Impassion'd Innocence, with Candour link'd,
 That never smiles, but thousand hearts are touch'd
 With glowing adoration and sweet awe,
 Resistless yoke imposing? know'st thou not
 The potency of precepts, dropped from lips
 Rever'd and lov'd? By Virtue's charms enthrall'd,
 To beauteous sanctity no stranger I
 Ere long will be, if fondest Hope deceive
 This heart no more ; if thou, fair maid, appear,
 Soft advocate, yet irresistible
 In Virtue's cause ; if thou, preceptress mild,
 Wilt deign a pupil in Devotion's school
 To prompt ; his erring steps to check ; his right
 To urge ; when, by Temptation led astray,
 The warning voice, that whispers still "Beware,"
 The inward oracle, whose "still, small voice"
 Wafts to the hallow'd ear divine behests
 And speaks in vain, unheard or disobey'd,
 And would though thunders spoke : be thou at hand
 To hurl rebuke from thy indignant eye.

But when, observant of the track prescrib'd,
 Heaven smiles, to deeds of men a witness high
 And holy, a mysterious judge unseen,
 Be thou a witness too, and also smile,
 Approving ; let the music of thy praise
 Be heard : how sweetly will its murmurs flow,
 How sweetly sink into his ravish'd ears !

And, O ! too highly honour'd will he deem
 His lot ; yet stronger plum'd his hope will soar,
 And nearer heaven's high threshold take her stand,
 If thou, fair maid, a higher claim admit
 Than humble pupillage, should add to these
 A privilege more sweet, yet blameless ; ties
 Of dearer kindred, yet austere and chaste ;

Bonds that, in blest equality unite
Consenting minds ; the death-surviving bonds
Of amity, *unwedded, passionless.*

Accept in recompence, if aught can be
A not unworthy recompence ; accept
A thousand grateful fervours, and what else
May better prove than barren thanks the soil
(Its savageness subdu'd, and call'd, though late,
To blest fertility, by balmy dews,
Shed by propitious Friendship) forth may throw,
— Accounted not of thy accepting hand
Unworthy : slender is indeed the boon
Of Nature's sparing hand, wise to dispense,
Frugal and circumspect, what, when bestow'd,
She knows not whether or to good or ill
May furnish arms. Her eyes abated naught
Of rigorous regard, and cold, but scowl'd
A cheerless glance, and luring, when on me,
New cradl'd, and, as yet, unvisited
By light of Reason's morn, their orbs were turn'd.

Oft o'er the margin of thy natal stream
I stray'd of late, the moon my lamp ; and oft
Beneath the shady copse that skirts her shore
Found refuge from the noon-tide's fiercer ray :
A haunt to musing sacred, dear to those
Who meet, in solitude, a friend that opes
The door to solemn thoughts, and lifts the veil
That to the pensive votarist denies
Communion with his own sad heart ; a scene
By its own charms endear'd to those who seek
No dwelling more delightful than the green
Abodes of Nature, unmolested yet
By Art. To those retreats, it was but late
That Chance my steps conducted ; if to Chance
I owe the boon ; not rather to the hand
Of some ærial guardian, wise and good,
Supernal friend. For shall I not adore
The hand unseen, that led to these retreats
A wanderer I, and reckless which the track,
If, friendly to forgetfulness, it gave
To meddling thoughts a respite, or deceiv'd
A moment of its customary freight
Of dark repinings ; when the only bliss
Was *not* to feel ; since the distracted mind
Immanacl'd by some infernal spell,
A vassal to some necromantic power,
Could 'scape not from the mirror, which upheld
Before her startl'd eye, and show'd her naught
But her own image, ghastly and deform'd
By many a boisterous passion, prone to ill ;

Flagitious, by a sable troop beset
Of bad intents.

O! shall I not adore
The guidance which, with radiant finger, points
To these divine abodes, where troublous waves
Assail no more the shatter'd bark, so long
By tempest tost, but, opening to the view
Of eyes devout the happy isle at last!
Night's shady curtain rising, death achiev'd,
The grave in triumph past, the happy isle
Is seen, the haven of eternal rest,
Where ministers of ill molest no more
The good, and weary Virtue finds repose.

Not hither unobserv'd of Heaven I came;
Of some bright habitant of starry worlds,
My patroness and friend; for such there be,
Or much I err, by parent Heaven decreed
To each immortal mind, enclos'd in clay:
A gentle Deity, of mild intents
And charitable, one whose lot, assign'd
By wisest Providence, is only good
To foster, and to screen from guilt the soul
Her sacred charge, against infernal arms
To shield the conscious pupil, if aright
He use the profer'd bounty, nor reject
The whisper'd admonition sent to save.

'Twas here that first my eyes beheld
My mystic guide, my genius, my divine
Instructress, better angel, heavenly friend,
Etherial messenger, with Heaven's behests
Encharg'd; my heart and fancy's queen, my muse;
A mortal shape assuming, here she stept
Forth from an azure cloud, in flowing vest
Arrayed, of dazzling hues, with locks that play'd,
Though in bright circlet bound, and threw around
A fragrance, overtaking mortal sense:
Light from above her harbinger, her train
Melodious airs, with every symbol deck'd,
Of beatific power: she came, she stood
Before me, visibly; these wakeful eyes
Beheld her, in her borrow'd shape how fair!

Or, haply, I but dream'd; for, o'er the world
Meek Twilight, stealing from her western cave,
With progress unobserv'd, dumb steps and slow,
Had thrown her sober mantle; Nature slept;
And hush'd was all the air: but Silence breathes
A more resistless spell, when leagu'd with sounds
That haunt the leafy covert, sounds unown'd
By earth or air; sounds that await the beck

Of Echo, who delights in fostering glooms,
 And bowers canopied by intertwin'd
 And verdant branches; and, abhorring rest,
 Will bandy hollow noises with herself,
 If other work be wanting: shrowded here,
 She caught the floating murmur most akin
 To silence, winding through the rocky maze:
 The chiding of the torrent stream, that leap'd
 From rock to rock, and clamour'd as in rage,
 That for its wave no rest was found, was heard,
 But heard afar.

In this recess I sat
 And saw, or dream'd I saw, an airy shape,
 And heard aerial notes, a voice that far
 Outwarbled dulcet breath that whispers love
 At bridal hours; out-talk'd impassioned strings
 Kiss'd by enamour'd fingers, or by airs
 Æolian kiss'd, it sung, and this the song:—
 But whither would thy steps, advent'rous youth,
 Lead thee? Who told thee that Calista's ear
 Would deem the accents of thy friendship sweet?
 Nor dress her eye in terrors, when thou com'st
 Before her in this questionable shape?

Thou knowest not whether to thy strains she lend
 Benign attention, and, dispos'd to hear
 The dictates of thy inoffensive muse,
 Smil'st on thy artless efforts; nor withhold'st
 Her hand, if, from thy unexhausted store,
 Hereafter thou select a tribute new
 For her, the incense of a guileless heart,
 And fancy touch'd by no polluted flame.
 Or whether, in Decorum's mounds entrench'd,
 Suspicions guard the door, and wary watch
 Keep, that no lurking foe have entrance there
 To trouble their enchanted queen, that sits
 In dreary state, with icy fetters bound
 Of cold punctilio; scornful she reject
 Thy humble lay, and blast the infant hope
 Erewhile so blithesome. Here, oh, most rever'd
 And gentlest of thy sex! oh, most lov'd!
 Though with such love as angels smile to see
 In those whom sex distinguish not, the love
 That boasts participation with divine
 Existences; soul thralldom; reason leagu'd
 With reason, to improve the structure fair
 Of knowledge; heart with heart allied to nurse
 The plants, whose golden fruits, transplanted when
 To heavenly ground, shall smile with orient hue,
 And shed eternal fragrance. Here thy friend
 (For such himself will deem whate'er decree

Thy sternness shall pronounce), thy pupil here,
 In not untremulous suspense shall stand,
 Till thou, in thy own time, transmit the pledge
 Of peace, or enmity : nor leave thou him
 Bewilder'd long in doubtful maze, and lost
 In fears, that his audacious lay has come
 Too soon, or late, and no acceptance found.

Philadelphia, September, 1794.

EPISTLE

BY WALTER SCOTT, TO J. M.

Ashestiel, Ettricke Forest.

THE scenes are desert now, and bare,
 Where flourished once a forest fair,
 When these waste glens with copse were lined
 And peopled with the hart and hind.
 Yon thorn, perchance whose prickly spears
 Have fenced him for three hundred years,
 While fell around his green compeers—
 Yon lonely thorn, would he could tell
 The changes of his parent dell,
 Since he, so grey and stubborn now,
 Waved in each breeze a sapling bough ;
 Would he could tell how deep the shade,
 A thousand mingled branches made ;
 How broad the shadows of the oak,
 How clung the rowan* to the rock,
 And through the foliage showed his head,
 With narrow leaves and berries red ;
 What pines on every mountain sprung,
 O'er every dell what birches hung,
 In every breeze what aspens shook,
 What alders shaded every brook.

“ Here, in my shade,” methinks he'd say,
 “ The mighty stag at noontide lay ;
 The wolf I've seen, a fiercer game
 (The neighbouring dingle bears his name),
 With lurching step around me prowl,
 And stop against the moon to howl ;
 The mountain boar, on battle set,
 His tusks upon my stem would whet ;

* Mountain ash.

While doe and roe, and red deer good,
 Have bounded by through gay green-wood.
 Then oft, from Newark's riven tower,
 Sallied a Scottish monarch's power :
 A thousand vassals mustered round,
 With horse, and hawk, and horn, and hound ;
 And I might see the youth intent,
 Guard every pass with cross-bow bent ;
 And through the brake the rangers stalk,
 And falc'ners hold the ready hawk ;
 And foresters, in green-wood trim,
 Lead in the leash the gaze-hounds grim,
 Attentive, as the bratchet's* bay
 From the dark covert drove the prey,
 To slip them as he broke away.
 The startled quarry bounds amain,
 As fast the gallant grey-hounds strain ;
 Whistles the arrow from the bow,
 Answers the harquebuss below ;
 While all the rocky hills reply,
 To hoof-clang, hound, and hunters' cry,
 And bugles ringing lightsomely."

Of such proud huntings, many tales
 Yet linger in our lonely dales,
 Up pathless Ettricke, and on Yarrow,
 Where erst the outlaw drew his arrow.
 But not more blythe that sylvan court,
 Than we have been at humbler sport ;
 Though small our pomp, and mean our game,
 Our mirth, dear Marriot, was the same.
 Remember'st thou my greyhounds true ?
 O'er holt or hill there never flew,
 From slip or leash there never sprang,
 More fleet of foot, or sure of fang.
 Nor dull between each merry chace,
 Passed by the intermitted space ;
 For we had fair resource in store,
 In classic and in Gothic lore :
 We marked each memorable scene,
 And held poetic talk between ;
 Nor hill, nor brook, we paced along,
 But had its legend, or its song.
 All silent now, for now are still
 Thy bowers, untenanted Bowhill !
 No longer, from thy mountains dun,
 The yeoman hears the well-known gun,
 And, while his honest heart glows warm,
 At thought of his paternal farm,

* Slow-hound.

Round to his mates a brimmer fills,
 And drinks, "The chieftain of the hills!"
 No fairy forms, in Yarrow's bowers,
 Trip o'er the walks, or tend the flowers,
 Fair as the elves whom Janet saw,
 By moonlight dance on Carterhaugh;
 No youthful baron's left to grace
 The forest-sheriff's lonely chace,
 And ape, in manly step and tone,
 The majesty of Oberon;
 And she is gone, whose lovely face
 Is but her least and lowest grace;
 Though if to sylphid queen 'twere given,
 To show our earth the charms of heaven,
 She could not glide along the air
 With form more light, or face more fair.
 No more the widow's deafened ear
 Grows quick, that lady's step to hear:
 At noontide she expects her not,
 Nor busies her to trim the cot;
 Pensive she turns her humming wheel,
 Or pensive cooks her orphan's meal;
 Yet blesses, ere she deals their bread,
 The gentle hand by which they're fed.

From Yair—which hills so closely bind,
 Scarce can the Tweed his passage find,
 Though much he fret, and chafe, and toil,
 Till all his eddying currents boil—
 Her long descended lord is gone,
 And left us by the stream alone.
 And much I miss those sportive boys,
 Companions of my mountain joys,
 Just at the age 'twixt boy and youth,
 When thought is speech, and speech is truth.
 Close to my side with what delight
 They pressed to hear of Wallace wight,
 When, pointing to his airy mound,
 I called his ramparts holy ground*!
 Kindled their brows to hear me speak;
 And I have smiled, to feel my cheek,
 Despite the difference of our years,
 Return again the glow of theirs.
 Ah, happy boys! such feelings pure,
 They will not, cannot long endure;
 Condemned to stem the world's rude tide,
 You may not linger by the side;

* There is, on a high mountainous ridge above the farm of Ashestiel, a fosse called Wallace's Trench.

For Fate shall thrust you from the shore,
And Passion ply the sail and oar.
Yet cherish the remembrance still,
Of the lone mountain, and the rill;
For trust, dear boys, the time will come,
When fiercer transports shall be dumb,
And you will think right frequently,
But well, I hope, without a sigh,
On the free hours that we have spent,
Together, on the brown hill's bent.

When, musing on companions gone,
We doubly feel ourselves alone,
Something, my friend, we yet may gain,
There is a pleasure in this pain:
It soothes the love of lonely rest,
Deep in each gentler heart impressed.
'Tis silent amid worldly toils,
And stifled soon by mental broils;
But, in a bosom thus prepared,
Its still small voice is often heard,
Whispering a mingled sentiment,
'Twixt resignation and content.
Oft in my mind such thoughts awake,
By lone St. Mary's silent lake;
Thou know'st it well; nor fen, nor sedge,
Pollute the pure lake's crystal edge;
Abrupt and sheer, the mountains sink
At once upon the level brink;
And just a trace of silver sand
Marks where the water meets the land.
Far in the mirror, bright and blue,
Each hill's huge outline you may view,
Shaggy with heath, but lonely bare,
Nor tree, nor bush, nor brake is there,
Save where, of land, yon slender line
Bears thwart the lake the scattered pine.
Yet e'en this nakedness has power,
And aids the feeling of the hour:
Nor thicket, dell, nor copse you spy,
Where living thing concealed might lie;
No point retiring hides a dell,
Where swain, or woodman lone, might dwell;
There's nothing left to fancy's guess,
You see that all is loneliness:
And silence aids, though these steep hills
Send to the lake a thousand rills;
In summer tide, so soft they weep,
The sound but lulls the ear asleep;
Your horse's hoof-tread sounds too rude,
So stilly is the solitude.

Nought living meets the eye or ear,
But well I ween the dead are near;
For though, in feudal strife, a foe
Hath laid Our Lady's chapel low,
Yet still, beneath the hallowed soil,
The peasant rests him from his toil,
And, dying, bids his bones be laid
Where erst his simple fathers prayed.

If age had tamed the passions' strife,
And fate had cut my ties to life,
Here, have I thought, 'twere sweet to dwell,
And rear again the chaplain's cell,
Like that same peaceful hermitage,
Where Milton longed to spend his age.
'Twere sweet to mark the setting day,
On Bourhope's lonely top decay;
And, as it faint and feeble died,
On the broad lake and mountain's side
To say, "Thus pleasures fade away;
Youth, talents, beauty, thus decay,
And leave us dark, forlorn, and grey;"
Then gaze on Dryhope's ruined tower,
And think on Yarrow's faded flower;
And when that mountain-sound I heard,
Which bids us be for storm prepared,
The distant rustling of his wings,
As up his force the tempest brings,
'Twere sweet, ere yet his terrors rave,
To sit upon the wizard's grave:
That wizard priest's, whose bones are thrust
From company of holy dust;
On which no sun-beam ever shines
(So superstition's creed divines),
Thence view the lake, with sullen roar,
Heave her broad billows to the shore,
And mark the wild swans mount the gale,
Spread wide through mist their snowy sail,
And ever stoop again, to lave
Their bosoms on the surging wave:
Then, when, against the driving hail,
No longer might my plaid avail,
Back to my lonely home retire,
And light my lamp, and trim my fire;
There ponder o'er some mystic lay,
Till the wild tale had all its sway,
And, in the bittern's distant shriek,
I heard unearthly voices speak,
And thought the wizard priest was come,
To claim again his ancient home!

And bade my busy fancy range,
To frame him fitting shape and strange,
Till from the task my brow I cleared,
And smiled to think that I had feared.

But chief, 'twere sweet to think such life
(Though but escape from fortune's strife)
Something most matchless good and wise,
A great and grateful sacrifice;
And deem each hour to musing given
A step upon the road to heaven.

Yet him, whose heart is ill at ease,
Such peaceful solitudes displease:
He loves to drown his bosom's jar
Amid the elemental war:
And my black palmer's choice had been
Some ruder and more savage scene,
Like that which frowns round dark Lochskene.
There eagles scream from isle to shore;
Down all the rocks the torrents roar;
O'er the black waves incessant driven,
Dark mists infect the summer heaven;
Through the rude barriers of the lake,
Away its hurrying waters break,
Faster and whiter dash and curl,
Till down yon dark abyss they hurl.
Rises the fog-smoke white as snow,
Thunders the viewless stream below,
Diving, as if condemned to lave
Some demon's subterranean cave,
Who, prisoned by enchanter's spell,
Shakes the dark rock with groan and yell.
And well that palmer's form and mein
Had suited with the stormy scene,
Just on the edge, straining his ken
To view the bottom of the den,
Where, deep, deep down, and far within,
Toils with the rocks the roaring linn;
Then, issuing forth one foamy wave,
And wheeling round the giant's grave,
White as the snowy charger's tail,
Drives down the pass of Moffatdale.
Marriot, thy harp, on Isis strung,
To many a border theme has rung:
Then list to me, and thou shalt know
Of this mysterious man of woe.

END OF THE THIRD VOLUME.